

# GOVERNMENT & PEOPLE

AN INTRODUCTION TO THE STUDY  
OF CITIZENSHIP

BY

CONRAD GILL, M.A.

KING'S COLLEGE, CAMBRIDGE  
READER IN CONSTITUTIONAL HISTORY, UNIVERSITY OF BIRMINGHAM

WITH THE COLLABORATION OF

C. W. VALENTINE, M.A., D.Phil.

PROFESSOR OF EDUCATION IN THE UNIVERSITY OF BIRMINGHAM



METHUEN & CO. LTD.  
36 ESSEX STREET W.C.  
LONDON

W:5

F1

L

13625

*First Published in 1921*



## PREFACE

**I**N recent years the increasing scope of State activity, the urgent problems connected with the war, and the extension of the franchise to millions of new voters, have led to a growth of interest in training for citizenship. It is coming to be recognized that if the vote is to be used to the best purpose, if the most enlightened policy is to gain popular support, a deliberate effort must be made to prepare the mass of the people for the work of self-government.

The training includes two different activities: firstly, experience of community life, with a view to promoting a wide social, as distinct from a sectional, consciousness; and secondly, a study of society in general, and the facts and principles of government in particular. In the former line a great amount of experiment and organization has already taken place. Some experiments, such as the scouting movement, have met with remarkable success, and certain of them—*e.g.* the Junior George Republic and the Little Commonwealth—have disclosed almost startling possibilities.

In this volume we are concerned with the second branch of activity, the study of government, and this branch is almost as important as the other. The mere stimulation of interest in public affairs may even be dangerous unless it is under proper guidance. Uninformed public spirit may, in Harrington's phrase, "spit fire and blow up castles"; whereas the same impulse based on adequate knowledge is more likely to lead to constructive reform.

Our main purpose in writing this book is to supply the needs:

of teachers in continuation and secondary schools. With this object we have tried to suggest in our treatment the way in which the subject might suitably be handled in a class. Thus we have begun with the comparatively simple business of local government, and have dealt later with the complicated work of central authorities ; principles are introduced gradually in the course of the description, and are discussed more fully at the end ; and concrete examples are given before the reader is presented with generalized or abstract statements. But although we have kept the special needs of teachers in mind, we hope that the book will be found suitable for direct use by the elder pupils in schools, and by adult students, whether working on their own account or in classes and study circles.

Lack of space has prevented us from dealing with the important questions of imperial and international government ; but the study of domestic affairs, if it is done thoroughly, will fully occupy a normal year's course.

A few words may be said in regard to the handling of the material. If the pupils are still young, and have some years of school training before them, the subject can best be introduced casually by allusions in lessons on history or in the discussion of current events. If the subjects are carefully chosen, nearly all the topics included in the present volume can be touched upon in this way. But however casually he may present the material, it is necessary for the teacher himself to have the facts of the present constitution clearly arranged in his own mind. Older pupils of, say, sixteen to eighteen years of age, who are already taking an active interest in public affairs, may well make a more systematic study on the lines suggested in the following chapters.

It is hardly necessary to point out that such a course provides only a part of the intellectual training for citizenship. A sense of historical development, for instance, is all-important ; and in this connexion we would suggest the great

## PREFACE

vii

value of following the study of present-day government with a short review of constitutional history. Again, economic questions are at least as prominent as political in the affairs of every modern society, and no one is properly equipped for the business of citizenship who has not some grasp of economic facts and principles. And, obviously, such subjects as geography and English literature can contribute a great deal that is useful towards the training of citizens. But the direct study of present institutions of government is of the greatest importance for welding together and making readily available the knowledge gathered in other fields. Moreover, the principles of community life, when they are built upon and enforced by experience in the school, the town, and wider societies, cannot fail to have an ethical influence which is of the very essence of civic training.

In conclusion, we wish to express our thanks to our colleague, Professor H. J. Muirhead, for his kindness in reading through several chapters, and giving us the benefit of many valuable suggestions based on wide knowledge and experience; and to Mrs. Valentine and Miss Marion Gill for the great help they have given in preparing this work for the Press.

C. G.

C. W. V.

THE UNIVERSITY

EDMUND STREET, BIRMINGHAM

*March 1920*

# CONTENTS

	PAGE
PREFACE . . . . .	v
CHAPTER I	
THE STUDY OF GOVERNMENT . . . . .	1
CHAPTER II	
LOCAL GOVERNMENT: THE PARISH COUNCIL . . . . .	4
Importance of Local Government: public service; representation. —The Parish Council: What is a parish? Parish meetings and councils. Ratepayers. Overseers. Work of the council. The council and its officers.	
CHAPTER III	
THE DISTRICT COUNCIL AND PUBLIC HEALTH . . . . .	16
Need for District Councils. What is a district?—Duties of District Councils: Roads. Public Health: Infection; Inspection of food and drink; Water supply; Street cleaning and scavenging; Drainage; Housing; Miscellaneous duties.—Committee. Officials. Value of officials. Common welfare. Urban and rural districts.— The Union.	
CHAPTER IV	
COUNTY COUNCILS AND COUNTY POLICE . . . . .	34
Need for County Councils. Their work. Police: value of security. Joint committee.—Other business of the councils: Land and buildings; main roads and bridges; minor works; education, rates, and elections. Officials.	
CHAPTER V	
THE BOROUGH AND MUNICIPAL TRADING . . . . .	46
Charters. Duties of borough councils. Municipal trading, its advantages and limitations. Committee. Officials. County boroughs. Scottish and Irish towns.	
CHAPTER VI	
DEPARTMENTS OF STATE . . . . .	57
Inspectors. Government offices. Work of the departments. Officials. Ministry of Health. Home Office. Board of Trade and Ministry of Labour. Board of Agriculture and Fisheries. Post Office.	

# GOVERNMENT AND PEOPLE

## CHAPTER VII

CENTRAL AND LOCAL GOVERNMENT . . . . .	PAGE 67
--	------------

Need for both central and local authorities. Uses and methods of central control.

## CHAPTER VIII

PARLIAMENT AND DEPARTMENTS OF STATE . . . . .	73
---	----

Importance of control by Parliament. Methods of control: questions; supply of money. Responsible and irresponsible executives.

## CHAPTER IX

LAW-MAKING: THE HOUSE OF COMMONS AND PARTY GOVERNMENT . . . . .	79
---	----

Importance of law-making.—Membership of the House. Appearance of the House. The Speaker. Work of a session. History of a Bill. Private Bills. Adjournment, prorogation, and dissolution.—Party government: Ministers and Cabinet; Party organization; defects and uses of the party system.

## CHAPTER X

LORDS, COUNCIL, AND KING . . . . .	97
------------------------------------	----

Last stages of a Bill. Revision by Lords. Court of Appeal. Membership. Lord Chancellor. Origin of the House. Use of a Second Chamber. Reform of the House.—Privy Council: its origin; Council and Cabinet; present duties; membership.—The Crown: Royal assent to Bills. Locke on the Royal prerogative. Duties and influence of the Crown. Monarchy and republic.

## CHAPTER XI

ELECTIONS . . . . .	116
---------------------	-----

Link between government and people. Parliamentary elections. Method of polling. Voters. Local elections. Effect of the vote. Note on Bolshevism.

## CHAPTER XII

LAW AND LAW COURTS . . . . .	132
------------------------------	-----

Statute and common law.—Courts of law: Petty sessions; Justices of the Peace; quarter-sessions; criminal and civil law; County Court; Coroner's Court; Assizes.—Trial by Jury.—High Court of Justice. Courts of Appeal.—Merits of the legal system: independence of judges; law the same for all; independence of juries.

## CHAPTER XIII

EDUCATION . . . . .	159
---------------------	-----

Universal instruction. Central and local authorities. Education rates and grants. Voluntary schools. Continuation schools. Secondary schools. Universities. Child Welfare.

# CONTENTS

xi

## CHAPTER XIV

PAGE

### TAXATION

171

Expense of government. Sources of revenue.—Income-tax; customs and excise; house tax; estate duties; stamp duty; land tax.—Problems of taxation: One tax or many? Progressive taxation. Should every one pay? Direct and indirect taxes. Is taxation good policy?

## CHAPTER XV

### TAXATION (*continued*)

194

Parliamentary finance: control of expenditure; control of income; the budget; collection of taxes; the Consolidated Fund; Paymaster and Comptroller; the Treasury; Estimates Committee.—The National Debt.—Local finance: local debts; rates; collection of rates.

## CHAPTER XVI

### PARLIAMENTARY REFORM

214

Qualities of the Constitution: change, antiquity, elasticity. Need of reform. Proposals for reform: Referendum; Proportional Representation. Groups and coalitions.

## CHAPTER XVII

### AIMS OF GOVERNMENT

226

(i) Security: protection of life; protection of property; guaranteed standard of life. (ii) Justice: standard of conduct; ideal and practical justice; prevention of crime; punishment and reform; rights and duties; "natural rights." (iii) Liberty: government's sphere of action; need for interference; danger of interference; importance of free enterprise.—Specialization in government.

## CHAPTER XVIII

### GOVERNMENT AND SOCIETY

257

Public opinion. Law and the sovereign power.—Revolutions. Conditions of revolution: government out of touch with the people; hope of improvement; leaders of thought; organization. Reform and revolution. Change in organization. Social revolution. Statesmen and reform.—Effect of changing conditions. Changes of circumstance. Thought and enterprise: religion; trade; the Renaissance; the steam engine. Resistance to change. *Laissez-faire*. A middle policy. Shepherd and sheep.

## CHAPTER XIX

### GOVERNMENT AND SOCIETY (*continued*)

281

The State and other associations. Types of association. Value of association. Trading organizations. Voluntary bodies and government. The State and Society. Characteristics of the State: universality; authority; compulsion.

## CHAPTER XX

### CONCLUSION

296

Political virtues: enlightened judgment and public spirit.—Problems of imperial and international government.

### INDEX

301

# GOVERNMENT AND PEOPLE

## CHAPTER I

### THE STUDY OF GOVERNMENT

**T**HERE is one fact which, even taken alone, is a sufficient reason why every one in these islands should make some serious study of our government—its methods and aims, and improvements which can be accomplished by its means. The fact is this: that in future every man and woman will be called upon to take some part in that government. Upon the wisdom of a man's choice of rulers, and upon his views as to laws and many public questions the happiness and prosperity not only of himself but of his children and fellow-men will depend to a very considerable extent. All should understand, therefore, something about the present forms of government in order to see more clearly how they can best be reformed, and in order in the meantime to make the best possible use of the existing means. Some men, for example, cry out violently for improvement, which all the time it is possible for them to get if they and their fellows would use the powers of their local town council—about which they are often ill-informed.

A second reason why the study of government is especially important at the present time is that many men are disposed to make volcanic changes and strange experiments, and some even think that we should do well to abolish almost all forms of government. Let it be admitted that many changes are

still highly desirable, yet ignorance as to the whole system and purpose of government and of the best means of reform is a serious handicap, and even danger. It would be well especially for all classes to realize that our government is now in form truly democratic—it is government by the people themselves, or by the majority of them. If the people do not seem to get their wishes it is often because, owing to their lack of knowledge about political and social problems, they are too easily led by the few who have expert knowledge. "So far as suffrage is uninformed," says an American writer, "we are not in fact a democracy, but an oligarchy at the mercy of the bosses who do know these things." The masses of the people, then, should surely desire to "know these things," while the more educated will surely be anxious that they should not be ruled, as they might ultimately be, by a majority ignorant of the essential principles of social life and order.

A third reason why political studies are becoming more important is this: that the government is trying to do more and more for the people. It concerns itself with their social welfare, sees to their education, runs a Post Office for their convenience, looks after the needy by means of old age pensions and unemployment pay, and interferes for good or ill a great deal with ordinary business affairs. Some people have held that the aim of government should be in every possible way to bring about "the greatest happiness of the greatest number"; others that it should seek to "make it easy for people to be good." We shall see that in many ways the government is actually trying to do both these things; and we shall see also how important it is to think out carefully how far government should interfere with the freedom of individuals for the sake of the majority. All we want to emphasize here is that these are not easy questions—they need hard, careful thought.

Finally, there has been in recent years a great extension of local government, and here are wide opportunities for every one to take an active part in bringing about good government for the welfare of all. It is with local affairs that we shall begin our study, because they are less complicated



than the ruling of a whole country, and at the same time they concern us closely every day of our lives.

### NOTE ON FURTHER READING

Those who wish to make a more detailed study than we can attempt in this volume, will find suggestions for further reading on various topics given in notes to several of the other chapters. A few works dealing with the British system of government in general are mentioned at the end of the volume.

## CHAPTER II

### LOCAL GOVERNMENT : THE PARISH COUNCIL

**T**HE best way to realize how wide is the scope of local government, and how closely it concerns our welfare, is to glance down one of the main streets of any large town. The affairs of every large town are managed by a body called the Borough Council ; and a glance down the street shows us that almost everything within view is in some way affected by the work of the council. The street itself is paved and cleaned by the council's servants. The buildings are under the council's control ; before houses can be built the plans have to be approved by its officials, and by its order any house that is ill-built or unhealthy can be altered or pulled down. Overhead are tramway wires and gas or arc lamps, the property of the council ; underneath the pavement the earth is tunnelled to make room for an array of pipes and cables used for gas, electricity, water supply, and drainage. The street may contain the town hall with the council's offices ; and if we go further afield and explore other streets we shall probably find a courthouse, the headquarters of the magistrates and police of the borough, a fire station, public libraries and baths, lodging-houses for poor people who can afford to pay a few pence for a night's shelter, and a workhouse for those who cannot afford to pay, an art gallery, a museum, several parks—with tennis courts and bowling greens—several schools, markets and hospitals. Nearly all these things are, or may be, owned and managed by the council. Together they mean a vast amount of work and responsibility. And the first fact to be remembered in the study of local government is that local bodies have abundant and important duties, and that

## LOCAL GOVERNMENT : PARISH COUNCIL 5

their work is continually going on around us, by day and night..

The second point, a very striking one, is the nature of the work. We describe it as local *government*. But is it government in the ordinary sense of the word? When **Public Service** we speak of government we generally think of kings and lawgivers, magistrates, policemen, and tax-collectors. Certainly local bodies do see to the collection of rates, help to control the police, and make many regulations. Yet a great part of their time is devoted, not to ruling, but to serving, the public; relieving poor people, trying to prevent disease and to ensure healthy conditions of life, supplying gas, water, tramcars, garden plots, schools, libraries and the rest. Local government is not merely a matter of law and order; it is quite as much a matter of welfare. This is a very important fact. It means that governing bodies in recent years have taken a generous view of their duties; that those who were chosen to bear authority have become the servants of the people. When we come to study the central governments of nations we shall find that they have changed in a similar way; that whereas they used to be designed chiefly to maintain law and order, they are becoming more social—they are being used more and more as a means to increase the welfare of the people.

We have pointed out that the change is quite recent. A hundred years ago there was little idea in local government of public service or the welfare of society. In the country districts, apart from a very bad system of poor relief, it could hardly be found at all. Even in the towns the corporation often did little more than tax the ratepayers and manage the borough courts. It was only by special Act of Parliament that some towns were allowed to have the new gas lights in their streets; some had drains in the middle of the roadway to carry off rain-water; most had watchmen in place of police, although in certain cases the watch was paid by private employers; but there was no library, park, art gallery, tramway or council school. The streets were ill-paved and ill-cleaned, and housing regulations were unknown. Local government, as we know it, did not exist then. It is a growth

of the nineteenth century, and chiefly of the last few years of the century. The towns, indeed, began early to point the way of reform. The English towns entered on their new career in 1835, the Irish in 1840. But it is only in the last thirty years that the borough councils have become really active in the public service; and in the country parts the present system has only been at work since 1888—in Ireland since 1898. Our third point, therefore, is the newness of the system.

Next we must notice that our local government is so arranged that members of the governing bodies are likely to **Representative Govern-** do what the mass of the people in their districts **ment** want them to do. This end is secured by means of representation: that is, the members of the council are chosen, not as they often used to be, by those at the head of the government in London,<sup>1</sup> but by the people living in the district to which the local council belongs. Every candidate for election, if he is to have any chance of success, must say beforehand what measures he will support or oppose, and what he will do for the welfare of the district or town. If his proposals please the mass of the electors he will be appointed for one year or three years, as the case may be, and as long as he continues to satisfy the electors they will probably appoint him again and again. But if in the meantime he fails to carry out his promises, or if his views change, or the electors' views change, he will not be chosen when the time comes round for another election. Thus, by appointing their representatives afresh every few years the people are able to keep control of the local bodies and to see that the members do what the majority of the electors wish them to do. This method of government, as we have seen, is called Democracy. For democracy means, in Lincoln's famous phrase, "government of the people, by the people, for the people"; and by this system it is provided, in a rough and ready manner, that the governing bodies shall do what the public want, and the public are, in a sense, ruling themselves through their representatives. When this representative system was first set

<sup>1</sup> County justices, appointed by the Lord Chancellor, used to rule the country districts. Members of town councils were often elected by a very small number of hereditary "freemen."

## LOCAL GOVERNMENT: PARISH COUNCIL 7

up there were many, even well-known scholars and thinkers, who feared that it would work very badly: that the councils would be filled with stump-orators, that different parties in the councils would oppose each other so fiercely that no solid work could be done, that democracy would lead to general disorder and the break-up of the Empire, and so on. But, as a matter of fact, although the representative system is, as we have said, only a rough and ready method of democracy, it has been, on the whole, quite successful. Our local councils do an enormous amount of work. Although they interfere so little with ordinary persons that as a general rule we hardly remember their existence, their work adds greatly to our comfort and safety. And instead of standing still, as some feared, civilization has gone ahead faster than ever under the new system of government. Interest in social welfare has grown remarkably in recent years. Indeed, there is a close connexion between democracy and the public service which we have just noticed as a chief work of the local councils; for public-spirited men and women, who are not simply keen on politics, but are interested in the general welfare of their fellows—who wish to see them fully supplied with work, well nourished, well dressed, properly housed and properly educated—such men and women are likely to find places in a democratic council.

The "new system" of local government means, then, a democratic system secured by the method of electing representatives. And when we mentioned that the towns began their new career in 1835, and the country places in 1888, we had in mind the fact that councils elected by the people were first set up in town and country in those years.

With these characteristics before us we may now take a view of the whole system of local government, beginning with the institutions nearest home and working outwards to the more important councils, until we are brought into contact with the central government, which links up all the local bodies into a single system.

We will begin our survey with the country parts. In the country government is much simpler than it is in a town. Roads are less used, and therefore need less mending and

sweeping. (Very few people realize how much more cheaply a country road can be kept in repair than a town street.) Houses are fewer: therefore they do not need so much inspection. There is less call for elaborate systems of drainage and for the services of dustmen. Nature provides her own parks and recreation grounds: lakes and rivers serve as public baths. A village reading-room takes the place of a large public library. Farmers' carts take the place of tramcars. Country life is healthier than town life, so that there is less work for hospitals and medical officers. There is also less work for law-courts and policemen. Even if country folk were more mischievous than townsmen—and as a rule they are less so—they, with their small numbers, could hardly give as much trouble to their rulers as the dense population of the great cities. Therefore if we want to find government at its simplest we must look to the country places.

### THE PARISH COUNCIL

For the purpose of local government the whole land is divided into *counties*. Each county is divided into *districts*, **What is a** of which we shall speak later, and each district **Parish?** into *parishes*. As the parish is the smallest division we will study it first.

In ordinary speech a parish means the part of the county served by some particular church, and the parishioners are those who attend the services of the church, But for many centuries the government has made use of parishes for its own purposes, and with good reason. For a thousand years and more, over a large part of England, the people have been settled in villages. The houses in old times used to be much more clustered together than they are now, and all round them were great fields, in which each family had its share of land. Beyond the fields there were wide stretches of waste land and woods, so that neighbouring villages were often several miles apart—too far for the people to walk from the one to the other to church. Therefore, as a rule, each village had its own church, and thus it came about that the parish and the village often meant practically the same thing. Moreover, if a public

## LOCAL GOVERNMENT : PARISH COUNCIL 9

meeting had to be held, it was usually held in the church, because there was no other building large enough ; and the church became the centre not only of religious life, but also of business affairs in the parish. Further, as the priest could read and write, and kept lists of parishioners and other useful information in the registers of the church, a good deal of public business naturally came into his hands. For these reasons it became the custom to use parish meetings—that is, church meetings—for carrying on the general business of the village ; and people thought and spoke of the smallest area of local government, not as the village, the manor, or the township (although any of these names would have done quite well), but as the parish.

During a great part of the nineteenth century the duties of the parish officials were very light. They had to keep lists of voters and ratepayers, and there was not much more for them to do. Most of the work which they might have done was done for them by magistrates and guardians and others, who had no connexion with the parish. However, in 1894 Parliament decided that it would thoroughly reform the system of local government. One of the chief objects of the reform was to make the whole system democratic—that is, to allow as many people as possible to share in the work of government. Therefore, among other changes, which we shall describe in the next chapter, Parliament gave power to every parish to manage its own affairs. There are now more than thirteen thousand parishes in England and Wales. Although the work done in any parish is small in comparison with the work of a large town or a county, yet the total amount done in all the parishes together is an important matter. And the new system has three great advantages. If the parishes did not do the work themselves it would have to be done by other bodies such as the county council, which already have quite enough to do. Thus the parish lightens the business of other bodies. In the second place, if the work were not done in the parish some of it would not be done at all. The parishioners find it worth while to do many little services for themselves which other people would not do for them. And further, the people in the

parish know their own needs better than outsiders could know them, and they can see ways of making many small improvements which would pass unnoticed if the parish had no government of its own.

An important principle is involved here, which we may illustrate by reference to the family. In a family, of grown-up persons at least, the individuals are likely to be happier when each one is free to manage his own affairs and habits (except in so far as they affect other members of the family), for each one knows better than anyone else what he most wants to do or to have. When his affairs or habits do affect the rest of the family, then of course the family should have something to say in the matter. Similarly, each little village knows better than a far-off government what it wants; and where small matters are concerned—such as the position and size of a village reading-room—which do not affect the rest of the country or the county, or even neighbouring villages, it is well that each village should have its own way. But in matters affecting people in other parts—such as the upkeep of highways through a village, a work which concerns the safety and comfort of travellers from a distance—it is well that the village or parish should not be given the sole responsibility. As we come to questions which affect very wide areas, local government must have limits of freedom set for it by the wider community.

We must now see what the business of the parish is, and how it is managed. Parishes vary very much in size: some **Parish** contain more than ten thousand acres and some **Meetings and** more than ten thousand people, while others **Councils** have less than fifty acres and hardly any people. In the large parishes there is much business to be done, in small parishes very little. Therefore it was decided in 1894 that in parishes with more than three hundred people there should be an elected council to see to the business; but that in the small places with less than three hundred inhabitants, no council was needed. Where there is a parish council, it is elected every three years, and it has anything from five to fifteen members, according to the size of the parish. Every one who pays rates has the right of helping to choose



## LOCAL GOVERNMENT: PARISH COUNCIL 11

the members. But this word *rates* must be explained before we can go further.

The work of local government in counties, districts, and parishes costs altogether a good deal of money every year

**Ratepayers** —we shall see this more clearly when we know exactly what the work is. The money has to be

paid by those who live in the parish, district, or county: not, of course, by every man, woman, and child; but every one who owns a house, a shop, or a farm, or pays rent for it, or holds land or buildings of any kind, must help to pay for local government. The amount or "rate" that he has to pay each year depends on the value of his house or his land, and this amount is called his rate for the year. Every one who helps to pay for local government is known, therefore, as a ratepayer. Women who have land or houses pay rates just as men do; and every woman who is a ratepayer has the same right as every man who is a ratepayer—the right of choosing, or helping to choose, the members of the local council.

In a small parish, which had no council, all the ratepayers may attend the parish meetings. In a parish with, say, two hundred people, there will probably be only thirty or forty ratepayers, and several of them would not trouble to attend a parish meeting, or for one reason or another would not be able to attend, so that there would be perhaps only from a dozen to twenty present at any meeting; and the whole meeting would be very little larger than an ordinary parish council.

We need not trouble at present to ask how the councils are elected. The method is nearly the same in the parish, district, county, and borough, and for the election of Members of Parliament. At a later stage of our study, when we know what the different councils are and what work they do, we can take up the subject of elections separately. We shall be able to see then what an important part they play in a democratic system of government.

Every three years, then, the ratepayers in the larger parishes elect the parish council afresh. Not only has every ratepayer a right to take part in electing the councils, but

any ratepayer, whether a man or a woman, may be chosen as a member : so that parish government is very democratic. And it is most democratic of all in the small parishes which have no council. For there, seeing that all the business is done in public meetings, any ratepayer can attend and take part in the business and vote on any questions that have to be decided by a vote.

In most parishes there will be very few meetings of the council or the ratepayers in a year. But the work of the parish had to go on all the time. Therefore **Overseers** officials are chosen to do the business between the times of meetings ; and the choosing of officials is an important duty of the council. They are elected every year at a meeting held in the last week of March. The chief officials are : a chairman, whose main duty is to preside at the meetings, two overseers, and an assistant overseer. Most of the work is done by the assistant overseer, the other officials are not paid, and whatever they do for the parish has to be done in their spare time. But the assistant overseer is paid, and the work that he does for the parish is part of his regular business, although this work does not fill up his whole time, and he generally does some other business as well.

Next we must see the nature of the work which is done by the overseers and the council. They have charge, in the first **Work of the** place, of little lanes, bridle paths, and footpaths, **Council** and they have to see that these ways are kept in good condition. These paths are very useful, and it is important that they should be properly preserved. Often they are short-cuts, and save much tramping along the roadways ; and every one who is fond of walking knows that a field track is much pleasanter than a dusty highroad. They also see to the lighting of their village, perhaps by gas, perhaps by oil lamps. If the houses are supplied with water from wells or springs they have to see that the supply is kept pure. (Many villages, however, draw their water from pipes belonging to some other body outside the parish. It is quite a common practice for several villages and towns to join together to bring their water from a lake or reservoir, where it is carefully

## LOCAL GOVERNMENT: PARISH COUNCIL. 13

purified before being sent through the pipes to private houses. In this case the parish will pay for its water, but will not manage the supply.) If there is a village green or any other common or open space, the officials have to see that it is kept in good order. There may be buildings, such as a library or reading-room, a hall for public meetings, and office for the parish business, or some almshouses for old people, left to the village by a former inhabitant. All these buildings may be under the care of the parish council. If there is a fire-brigade in the village its expenses may be paid by the council.

Further, parish councils are encouraged to buy land and let it out in plots or allotments to those who want vegetable **Garden** gardens, but have no land, or not enough land. **Plots** round their houses. Garden plots have become quite an important feature of country life. A few years ago the parish councils drew, on the average, one-sixth of their income from the rents of these plots. And now that the war has taught many people what a good thing it is to grow one's own vegetables, the plots will probably be more important than ever. Allotments, however, although they are useful, are not the best thing possible. They are all grouped together in a field, with nothing, as a rule, but a narrow path between one man's plot and another's. And the houses are too often crowded together by the roadside. It would be a great improvement if every house built in the future were to have enough land round it to make a good garden: better for health, because fresh air could reach the house from all sides; and pleasanter for those who live in the house, because anyone would prefer a cottage in a garden, to a cottage without any garden and a plot half a mile away.

These are the chief undertakings of a parish council. But it is natural to ask, in the first place, in what sense the council **The Council** undertakes these things if the business is really **and its** done by the overseers; and further, why the **Officers** council should exist at all—why everything should not be left to the officials. The answer to both questions is that the council *controls* the work of its officials. At the council meetings the overseers report on all that they are doing, and any member is free to criticize their work, or to

suggest improvements. The overseers show accounts of income and expenditure, and the members have to see that the accounts are properly kept. If anyone has a complaint to make against the overseers, or any other person—if, for instance, a farmer is trying to stop up a footpath across his fields, or the grass is all worn off the village green—the complaint will be made to the council. Again, if any new public enterprise is to be started, such as a fire-brigade or a reading-room, the council must give its consent. And if money is to be borrowed for buying land or putting up buildings, the council must agree to the loan.

If the overseers were left entirely to themselves they might do things which the ratepayers disliked, and no one would have the power to prevent them. The council keeps them in touch with the ratepayers and ensures that they do what the public wants them to do. We shall see later that the district, county and borough councils, and Parliament as well, control their officials in very much the same way.

So much for the business of the parish; but we have still to mention one important duty of the overseers. They have to *collect rates* from every ratepayer in the parish, and they collect rates not only to meet the expenses of the parish, but those of the district and county as well. They keep a list of all the ratepayers, showing the value of each person's property. Twice a year they have word from the county officials of the exact amount that has to be collected from the whole parish, and by referring to their list they can tell what part of the amount each person has to pay. They send an account to every ratepayer, showing the amount of his contribution, and when the time comes they have to collect the money. Thus the rates for the county, district, and parish are all paid together, and the overseers in each parish collect the rates for all the purposes of local government.

All that we have said about the parish refers to country places only. There are parishes, of course, in towns; but they have no councils of their own, for all their affairs are managed by the borough councils. Further, there are no parish councils in Ireland. The reason is that Ireland has never been a country of villages. The people have always been

## LOCAL GOVERNMENT : PARISH COUNCIL 15

much more scattered over the country than they are in England. Their place of meeting is the market town rather than the village. Therefore they cannot have the same feeling for their parish that English village folk naturally have ; and it was a wise thing not to make parish councils where there was so little parish life.

Some advantages of the parish councils in England have been mentioned already. We will notice one other advantage before we leave this subject and turn to greater things. Only a few hundred people out of the whole nation can sit in Parliament : only a few hundred more can take part in ruling the counties. But the parish councils offer to anyone who is interested a good chance of sharing in the work of government. And, except in the size of the undertaking, the rule of a parish is not unlike the rule of a country or an empire. So that every one who knows how a parish is governed knows a good deal about government in general. Just as the co-operative stores are training large numbers of people to understand how businesses are managed, the parish is training large numbers to understand something about government, and so is making them better citizens, and giving them an interest in the well-being of their fellow-citizens. The importance of this fact will grow on us as we continue our study. Already we can see what a good thing it is that men should not be ordered and herded like cattle, but should understand why orders are given, and should be able to make rules for themselves in their own districts.

### BOOKS ON LOCAL GOVERNMENT

REDLICH AND HIRST.—*Local Government in England*. The standard work.

JENKS.—*Local Government in England*.

ODGERS.—*Local Government*.

DYKES.—*Scottish Local Government*.

HARRIS (ed.).—*Problems of Local Government*. Papers on many topics, read at a congress.

## CHAPTER III

### THE DISTRICT COUNCIL AND PUBLIC HEALTH

**T**HE Parish Council deals, for the most part, with small details of public affairs: that, indeed, is its chief use, and the reason why it was invented.

But now, in passing on to the District Councils, we meet at once with three matters of the greatest importance. District councils have to see to the making and upkeep of roads; they are responsible for many of the measures that are taken to keep people in good *health*; and the members of the district councils (though for this purpose they call themselves by another name) give help to poor people. This last part of their work is known as *public aid*.

All this important business must be in the hands of some public body. But why should there be a special council to carry it on? Could not each parish take charge of these matters for itself?

Need for  
District  
Council

At one time—in the seventeenth and eighteenth centuries—each parish was responsible for its own roads and its own poor people, but the system did not work at all well. Undoubtedly it would work better to-day. The art of road-making and the methods of public aid are much better understood, and parish councillors could be trusted to do their duties thoroughly. Yet no one proposes to do away with the district council and leave everything to the parish. The reason is not that the work would be badly done by the parish council, but simply that it is far cheaper and more convenient to have it done by the district council. If each parish were made responsible for all these matters, it would have to keep one staff of officials for the roads, another for health work, and another for public aid. But

## DISTRICT COUNCIL AND PUBLIC HEALTH 17

the officials of a single parish with only a few additional workers could quite well take charge of several parishes. Again, there is no need for a separate hospital or workhouse or set of road-making machines for each parish. One set of buildings or machines will serve for a whole group. Moreover, in the middle of the nineteenth century, before the district councils were first set up, special boards were appointed for roads, health and public aid, and these boards were given charge of areas as large as several parishes of ordinary size. It would have been very wasteful, for the reason which we have just seen, to set up a board in each parish, and to give each board the charge of a large area such as the county would have meant that the officials would be overburdened with work. Therefore a district was chosen for these various boards larger than the parish, but smaller than the county. Before the district councils were formed there were several bodies at work in areas which were practically the same as the modern district; indeed, it was from these bodies that the district council was formed. It was felt to be rather absurd that there should be several different bodies carrying on local government in the same place—it would be as sensible to have three or four Parliaments in the same country. Therefore, when the parish councils were set up, district councils were formed as well, in order to take over all the duties of the highway and health boards, and (with an exception which we shall notice later) the public aid work of the boards of guardians as well.

The district over which the new council was given control was simply a group of parishes, so that its boundaries were, **What is a** and are, the same as the parish boundaries. **District?** That is more than can be said for some of the old divisions, such as the highway districts, which did not fit in at all with any other area in the country. At the same time that the districts were made out of parishes, it was wisely decided that all districts and parishes should be made to fit into counties, so that no parish or district should be partly in one county and partly in another. This was no easy matter, for parishes and counties had grown up quite independently; so that many parishes lay in two

—some even in three—counties. Some parishes, too, did not hold together, but were scattered about, a patch here and another patch there, among other parishes. It took several months of hard work to make all these areas fit together. When we see by the roadside a boundary stone or post marking the division line between parishes, districts, or counties, we may reflect on the care that has been taken to decide exactly where the post should be set up.

In some places the old custom of "perambulation" is still kept up. That is, once a year, some of the local officials perambulate, or walk round the boundary line, so that they may be quite sure where it is. The expedition is a sort of annual picnic, although in some places, where the line runs over mountain tops, the walking is no easy matter for middle-aged men.

There are about fifteen hundred districts in England and Wales, each with its own council. The councils are elected by the ratepayers, as the parish councils are. We shall describe the method of election in a later chapter. As a general rule, a third of the members retire each year and there is a fresh election to fill their places. The object of this arrangement is that there may always be a large number of old hands on the council who understand their business well, and that there may never be many quite new and inexperienced members. But in some places the whole council is elected together, and all the members retire together at the end of three years. In practice this system works quite as well as the other, for most of the members who retire are re-elected, and the council is never swamped with new people.

#### DUTIES OF DISTRICT COUNCIL

The two chief duties of district councils are, as we have seen, road-making, and work for public health. We must now say something more of these duties.

Before the invention of railways, roads were the chief means of conveying goods, news, and people from one part of the country to another. Railways took from them some



## DISTRICT COUNCIL AND PUBLIC HEALTH 19

of their importance, but not all. Country roads continued to be used for short journeys, especially by farmers for

**Roads** carrying their produce to market. With the growth of population, tradesmen's carts and other vehicles have appeared in larger and larger numbers in the town districts. Bicycles, when they came into general use, sent the public once more on journeys along the highways; and now that motors are so largely used, both for passengers and for goods, the roads are busier than they ever were before.

In 1894 most of the roads in the country were put under the care of the new district councils. Before that time they were managed by various bodies, such as highway boards, and private companies known as "turnpike trusts." The change to management by district councils was very fortunate; for the councils have done their work well, and the change was made just at the time when bicycles and motors were about to renew the importance of the roads. In spite of the much greater wear and tear—for heavy motors will soon make hills and hollows in the firmest road-metal—the highways are, in general, much better to-day than they were thirty years ago; and recently the use of tar has greatly reduced the amount of dust in dry weather, and hastened the process of drying after rain.

For this work on the roads the district councils own steam rollers, water carts, and other implements. When we chance to pass a section of road where the menders are at work we may notice that all the carts are marked with the name of some district council. The upkeep of roads has now become so important that over the whole country it uses up more money every year than any other branch of local government work except education.

The other chief undertaking of the district councils is the care of health. Clearly any efforts for the improvement of **Public Health** health are most important. Unless we are healthy we do not really live. We cannot draw full benefit from the good things of life, and we cannot do our share of the world's work.

But, important as health is to every one, why should any public body be concerned in the matter? Is it not the busi-

ness of each individual to see that he keeps well, by eating good food, living as much as possible in the fresh air, and taking regular exercise? Is it not the business of parents to see to their children's health? And if people will not look after themselves, how can a district council keep them healthy?

The answer is that although the district council cannot keep anyone healthy who does not take care of his own health,

(1) **Infection** neither can anyone safeguard his own health without the help of the district council. However careful we may be we must all meet many other people in our daily business, and in tramcars, trains, and public buildings. Some of these people may have colds, measles, influenza, or some other disease which we may chance to catch. No individual can always be sure that his food or the air he breathes is comparatively free from germs. At home he may have his milk heated so as to disinfect it, and he may have the house well ventilated so as to sweep out the germs from their hiding places. But away from home he cannot help himself in the same way. Public bodies, however, such as the district council, can do a great deal to help him. They can see to it, in the first place, that every case of a serious infectious disease—diphtheria, scarlet fever, and so on—is reported by the doctor, and that the patient is taken away to a special fever hospital, so that he will not spread the disease among his friends and neighbours. When the patient has gone, they can send an inspector to see that his house is disinfected. Many people could not afford to pay either for the disinfecting or for the hospital treatment. Therefore the expense is paid, if necessary, out of the rates. By such means public bodies are continually preventing fevers from spreading, and so are saving very many lives every year.

Bad food, especially meat or milk that is harbouring germs, has been a frequent cause of disease. It is often impossible  
(2) **Inspection of Food and Drink** for anyone but an expert to know whether food is good or bad. But if the meat and the milk are inspected in the market or the dairy, and destroyed if they are infected with disease, the bacteria will find that this line of attack is stopped up. Water, again, unless it is carefully purified, may be infectious; and water which

tastes perfectly good often contains dangerous germs. Sometimes a well which has supplied pure water for many years

(iii) **Water Supply** suddenly begins to supply also bacilli of typhoid, or some other fever. If water is regularly drawn from public works, where it has been purified and tested, this danger also can be avoided.

Bacilli love to dwell in dirt and decaying matter, such as waste food, manure, and dead cabbage leaves. Now decay-  
(iv) **Street Cleaning and scavenging** ing matter is found in our ashbins and in the streets. If we were left to our own devices we should find it very hard to dispose of all the rubbish in our bins; and as for the streets, anyone who has seen a town when the sweepers were on strike will know that in a few days a town street, if it is neglected, becomes very much like the rubbish heap, full of dust, decay, and disease. Therefore the district councils, in sending round scavengers to empty out ashbins, and sweepers to clean our streets, are doing a great service to our health, because they are preventing vast numbers of infectious germs from growing and flourishing in our midst.

Further, drainage matter is the best of all homes for many bacilli, and also for flies, which carry disease wherever they go.

(v) **Drainage** If it is allowed to accumulate near houses it may cause all manner of trouble. The drainage from a single house in the country may be run away and allowed to filter through the earth without doing any damage. But it is a different matter in a town or a large village, where houses are crowded together. There it is most important that the drainage should be carried in pipes right away from the houses to sewage works in the country, where it can be run through filter beds and broken up by the microbes into useful chemical substances without doing harm to anybody. This business is managed by the district councils.

Finally, it makes an enormous difference to our health whether we are well or badly housed. Now good housing is not a simple thing: it is made up of several factors.

(vi) **Housing** First of all it clearly implies a good house, with dry rooms, a sound roof and sound walls, windows and doors, plenty of light (for sunlight is a great enemy of disease), proper drainage, and pure water. But good materials are not enough

in themselves ; space is almost equally important. Too often houses are crowded together in the centre of towns where the air is full of smoke ; where even this polluted air has difficulty in reaching the rooms ; where children, if they wish to play, must go into the street—the worst of all playgrounds. There is a great need, as we have already seen, for houses to be spread more widely over the country, so that each house may have fresh air and light, and that there may be abundant room for playgrounds for children, parks for grown-up people, and gardens for every one. Even so, another difficulty would still remain. Just as it is a bad thing for houses to be crowded together, so also it is bad for people to be crowded inside the houses. If there are too many people in the house, or a room, they are bound to get in each other's way and make life uncomfortable. Further, it is very hard to keep crowded rooms clean and tidy ; as a matter of fact they are generally very dirty, and dirt nearly always brings disease. Moreover, the more people there are in a room the less air there is for each of them. And as the poor folk who live in overcrowded rooms seldom know how important fresh air is they do not try to get it. Consequently their rooms are ill-ventilated ; and bad ventilation, again, helps to spread disease.<sup>1</sup>

Good housing, then, is quite necessary to good health. Therefore as a part of their work for public health, the district councils have to see to the housing of the people. They escape the hardest work, as a matter of fact, because the question of housing is always the most difficult in large towns, which have their own councils. But there is some work to be done in all parts of the country, even if it is only to make regulations for the building of new houses, and to take care that the owners of existing houses keep them in repair. District councils, in places where the population is growing, have a great responsibility. New buildings are being put up in their districts, sometimes very fast. It is their duty to see that all these buildings are satisfactory from the point of view of health, and that plenty of space is left for air, and, if possible, for gardens

<sup>1</sup> During the war overcrowding became worse than ever in some districts, because building was almost entirely stopped. There is now an urgent need for at least 600,000 new houses in Great Britain.

## DISTRICT COUNCIL AND PUBLIC HEALTH 23

and recreation grounds, so that the state of housing may never be as bad in their districts as it is in some of the big manufacturing towns. In rural districts the great difficulty has been for many years that which now besets the whole country—a shortage of houses and the fact that many people must overcrowd themselves in the existing cottages in order to have any shelter at all.

Besides their public health duties the district councils have charge of street-lighting, except in country places **Miscellaneous Duties** where some parishes may manage their own lamps; they own various public buildings, such as the council offices, libraries, and hospitals (although the larger hospitals generally belong to the county). In districts with a population of more than twenty thousand, they manage the schools—but we shall speak of these in another chapter. And the councils have some other small and miscellaneous duties, such as granting licences to hawkers, holding fairs, and putting up statues, with which we need not trouble ourselves.

With all these duties the councils, especially in town districts, are kept very busy. They have to meet, as a rule, **Committees** once a month, and even so there would be far too much business each month for a single meeting if every question had to be discussed by the whole council. Therefore the members divide themselves up into committees, and each committee takes over some part of the work—such as management of roads, lighting, housing, or hospitals. The committees write reports on their work, and the council has only to receive the reports and discuss any general questions that may arise particularly any matter which involves much expense, such as the making of new roads, extending the drainage system or the water supply, or putting up new buildings.

But even the committees do not really carry out the work themselves, they only supervise it. In the districts, as in **Officials** the parish, most of the actual business is done by officials, and we must now see who the officials of the district are.

First, the council must have a *chairman* to preside at

the meetings. His duties are comparatively light, and he is not paid. As in the case of the parishes, the paid officials take most of the burden. The *clerk* to the council corresponds to the assistant overseer in the parish, but his work, of course, is much more important. He keeps all the books and records of the council, and all the business for the meetings passes through his hands, so that he is a link between the committees and the departments of work which they control. He knows more than anyone else about the general work of the district, and is able to give useful advice to the members. The council's work involves a great deal of expense. Money to meet the expenses comes chiefly from the rates, although the central government supplies some of it. A *treasurer* is needed to keep the money, and to see that the payments are all in order. But as the money is always kept in a bank it is generally enough for the manager of the bank to act as treasurer. As so much of the council's work is connected with public health, the head of the health department, the *medical officer*, is a very important official. He has charge of all the business which we have described: preventing infection, inspecting foods, and so on; and in a populous district he may have quite a large staff under him. There will be a *sanitary inspector* to examine houses, and to disinfect sick-rooms—perhaps an assistant medical officer and some clerks.

Other officials of the council are the managers of the water supply, the drainage system, and public lighting. And the roads are under the control of a *surveyor*, who is a trained engineer.

In dealing with the work of parish councils we noticed that there is a danger in leaving too much power in the hands of officials, and we shall have occasion to dwell on this same point at several later stages of our study. But the work of the district councils makes it quite clear that there must be paid and expert officials, and that a good deal of the business must be left to them. An ordinary councillor, even if he had time to spare, could not undertake the duties of a medical man, a civil engineer, or a trained accountant. Experience has shown that the

best method of carrying out the daily routine of public service is to entrust most of the work to expert officials, but to supervise their work by means of committees of elected councillors, whose duty it is to keep the officials in touch with the wishes and needs of the people.

The work of the district council affords us excellent examples of the advantages which are gained by men joining **The Common** together to look after things which affect the **Welfare** welfare of all—and that after all is the main purpose of democratic government. It is quite evident that if men did not combine in this way hardly any of this important work would be done. Who would trouble to keep roads in order? Imagine what it would be like if people had to dig wells for water in their back yard, or gardens, or else have it carried from a not too clean river a mile or two away. A few individuals would keep their own houses in decent condition, and perhaps the portion of the street just opposite to them; but they would suffer from the neglect of the ignorant and careless, and the ignorant and careless would themselves suffer still more. The methods of dealing with infectious diseases are evidently good examples of the fact that it is sometimes fair and right to compel people to submit to certain rules and regulations for the sake of their neighbours as well as for their own good. We must, however, be cautious in applying this principle lest we limit too much the freedom of individuals. The case of public health is a particularly clear one, because absolute freedom on the part of an individual would injure others as well as himself. And even in submitting to compulsory payments for water supply and the upkeep of the roads, a man is really increasing his own freedom. He would have freedom, for example, from the trouble and labour involved in getting water, which would imply far more effort than that necessary to earn the few pence or shillings which he pays each year for his water rate. He would also have freedom to move about the country in a way which would be impossible if the roads were not managed by co-operative government.

Large towns, which are called boroughs, have a separate

government of their own, but with this exception the whole land is marked out into districts. It is easy to see, then, **Urban and Rural Districts** that the districts must differ very much among themselves: some are made up entirely of country parishes; some simply consist of little market towns; others lie on the edge of a great town—just outside the boundary; others again are partly in a town and partly in the country. Parliament, in setting up the councils, allowed for these differences. It gave to the town, or *urban* district councils, many more duties than those of the county, or *rural*, district councils. In every branch of work—road-mending, housing, prevention of disease, inspection of food, drainage, water supply, education, and the rest—the urban councils must have more work and more responsibility because they serve a greater and more crowded population.

But the population of England is always growing. Towns are constantly spreading out into the country. Railways run through country places, and enterprising firms may set up mills in a village by the railway line, where land can be had cheaply, and the trains are close at hand to take away their manufactures. People come to work in the mills; houses go up to accommodate the workers, and in a few years the village, which is still controlled by a rural district council, may grow to double its former size. Or perhaps coal, iron, or lead may be found near some quiet village; mines are opened up, and very soon fields and meadows have given place to an ugly little mining town.

These changes in population mean more work for the district councils: more roads, drains, water-pipes, houses, and shops to be inspected, recreation grounds, cemeteries, hospitals, libraries, and probably more poor people to be helped. The Local Government Act of 1894 provided for such cases by allowing rural district councils to undertake any duties of an urban district council that might be necessary. Every year a hundred or more rural councils, on the average, take upon themselves new duties in this way. And if, in course of time, the population of a rural district grows very much, and the duties of the council grow in proportion, the rural district may be changed outright into an urban district. At present rather



## DISTRICT COUNCIL AND PUBLIC HEALTH 27

more than half the districts in England and Wales are urban ;<sup>1</sup> and if in the future the people who are now packed far too closely together in huge towns can be spread more widely over the country the number of urban districts will rapidly increase. For the towns will then have much less centre and much more margin ; and the margins of towns are, as we have seen, divided into urban districts.

### THE UNION

The third great undertaking of the district is public aid. Why, then, have we not included it in the work of the district councils ? The reason is that in practice this branch of work is kept quite separate from the other business of the district. This arrangement has a curious history. In 1834, parishes which up to that time had generally been responsible for looking after their own poor people, were all formed into groups, called unions ; and for the next sixty years, all over the country, public aid was given by special boards, the boards of guardians, elected by the ratepayers in each union. In 1894, when Parliament undertook to set up district councils, it found in the union exactly what was wanted for the district—a group of parishes which were already in the habit of joining together to elect the members of a local body, the board of guardians. Therefore, quite naturally, Parliament fixed upon the union, and made it the district, although many alterations in boundaries were necessary, as we saw at the beginning of this chapter. However, the union was not simply changed into the district, and the board of guardians into a district council. An elaborate machinery for public aid was already in existence, and in many places the guardians were very keen on their duties and wanted to remain at work. Therefore in urban districts the guardians were allowed to continue as a separate body, for it was felt that the councils would have enough to do without troubling with public aid ; and to this day, in every urban district, the council and the board of guardians

<sup>1</sup> This does not mean, of course, that more than half the *country* consists of urban districts. The urban district is, as a rule, much smaller than the rural, but it contains more people.

remain side by side. Rural district councils are not so busy, therefore they are made responsible for public aid as well as for health and highways. But here is the curious part of the arrangement: their work as guardians is kept separate from their work as district councillors. Usually they meet first as guardians, once a month, in the board-room of a workhouse. Then, when the public aid business is done, the chairman announces that they have turned into a district council, and they proceed with the council's business, in the same room. This method is the easier, since the clerk of the council acts as clerk of the board of guardians as well, so that the same person keeps the books, and acts as secretary at the meetings of both bodies. The system is clumsy, however, and in all probability it will soon be altered.

Public aid is given because it is felt that no one in the country ought to be allowed to go without food or shelter, and that those who through weakness or misfortune cannot provide for themselves ought to be kept at the public expense. Modern ideas about the duty of governing bodies go, in fact, much further than this. Elaborate and far-reaching measures are taken to save people from poverty, to guarantee a reasonable chance of a comfortable and healthy life. But at present we are only dealing with the work of guardians, and they are concerned with those who are destitute already, who are so poor that they cannot live at all without help.

Under the present system guardians give relief to such poor people by keeping some in workhouses, and by helping to support others in their own homes. The first method is called "indoor" and the second "outdoor" relief. Every workhouse is under the care of the guardians, and it is controlled by an official called the *master*. A hospital attached to the workhouse is managed by a *medical officer*, a *matron*, and nurses. People coming to ask for help have to consult a *relieving officer*, who is specially charged with giving outdoor relief. At every meeting of the board, the master, medical officer, and relieving officer make their reports, and the members consider one by one the applications for help.

Some of those who seek relief are ill and they are treated in the hospital. Some are too old to work; but now a large

## DISTRICT COUNCIL AND PUBLIC HEALTH 29

proportion of old people are provided by the government with pensions which enable them to live in their own homes. A certain number of applicants are young and fairly able-bodied. In many unions they are set a "workhouse test": they must do some task, such as chopping wood or carrying coals, to prove their willingness to work. The guardians have also many children under their care. In some places the children are kept in the workhouse and sent to a special "poor law" school, but elsewhere the guardians have adopted the much better plan of sending them to live in cottages, paying for their keep and allowing them to attend the ordinary schools. This is known as the "boarding-out" system. Further, a number of lunatics whose relatives cannot afford to keep them come under the guardians' control, and may be sent to special asylums. Thus the equipment of the union may include a workhouse, a hospital, an asylum, and a school, in addition to the arrangements for outdoor relief.

The general lines of this system were laid down in 1834.<sup>1</sup> At that time it was commonly believed that able-bodied men and women could in almost all cases find employment and keep themselves independent if only they had a will to work. Old or infirm persons and children might properly be kept by the guardians because they could not help themselves. But if the able-bodied fell into poverty and sought public aid the cause must be indolence, drunkenness, dishonesty, thriftlessness, or something else for which they were to blame. Therefore they must be encouraged to work by being discouraged from remaining without work. Public aid must be made unattractive to them: hence the gaunt, ugly workhouses, the system of tests, refusal of outdoor relief, prison fare, and strict discipline, which aroused the indignation of Charles Dickens and the hatred of working men. Workhouses were commonly known as "bastilles," the three members of the Poor Law Board as the "Bashaws of Somerset House."

Yet the new system was not altogether bad. Poor relief had been given far too freely, and very many persons who

<sup>1</sup> It was first applied to Ireland in 1838. Before that time the relief of poor people in Ireland had been left almost entirely to private charity.

might have found regular work preferred to draw at any rate part of their living from the poor-rate. The sterner methods adopted in 1834 at least put an end to that evil. But later experience has shown that poverty is due to a great variety of causes, and cannot be dealt with by the simple means of making public aid unpleasant. The Poor Law Board soon learnt how large a proportion of poverty was due to sickness, and their discovery led to the first Public Health Act of 1848. Since then it has also been realized that unemployment, the commonest cause of destitution, may itself be the result of very complicated factors, such as sudden changes in the demand for labour, which are far beyond the control of any worker.

These facts have been widely recognized by guardians, who have become less disposed to blame the people under their care, and more ready to treat them generously. The result has been a steady increase in the amount of public aid, which is opposed to all the principles laid down in the Act of 1834. The authors of that Act hoped by strict regulation to keep public aid at a minimum and to compel all but the completely helpless to support themselves. No such idea exists to-day. It is fully admitted that large numbers, even of able-bodied men, must be helped if they are to gain a safe and satisfactory living, and that help must be given more effectively than it can be by doles of money or food, which merely support the recipient for a few hours or days, but leave him no better equipped for earning a living. Yet we are still working under the regulations laid down in 1834, which are now quite out of date and in many cases a dead letter.

A reform has been urgently needed for many years. As long ago as 1909 the Royal Commission on the Poor Laws, in a famous report, pointed the way of reform. Successive governments, however, have allowed the matter to drift, and the changes recommended in 1909 have not yet been made.

They are not likely to wait much longer. Already a new Commission has written a report suggesting a few changes which will open the way for a complete overhauling of the

## DISTRICT COUNCIL AND PUBLIC HEALTH 31

system of public aid. The general plan of the new system will be to prevent pauperism, not by the old method of trying to frighten it away, but by removing its causes. Now the chief immediate causes are ill-health (including feeble-mindedness), unemployment, and drunkenness; but we must add as underlying factors bad housing conditions, casual labour, low wages, lack of organization in the labour market, want of training, and of education in general. Therefore, the most effective means of dealing with the problem are those which attack these underlying evils. Schools, technical institutes, children's care committees, hospitals, dispensaries, asylums, and the whole great system of public health work, insurance commissions, employment exchanges, wages boards, and all other organizations for social welfare are in one way or another helping to prevent destitution and to solve the problem of public aid by taking away the need for it.

These measures, however, will not at once secure a comfortable living for every one. For a long time to come provision will have to be made for those who cannot support themselves and whose cases are not covered by any of these special agencies of social welfare. Many will still be unemployed even in times of normal trade, because they are inefficient or "work-shy," or through sheer misfortune. And the other calamities that may befall mankind are so numerous and varied that they cannot be foreseen and forestalled. The Commissioners of 1909 were not agreed as to the best methods of meeting these difficulties. A minority believed that public health and education authorities, employment exchanges, and the rest could deal with most cases, and that the remainder who were unemployed, and perhaps unemployable, could be sent to labour colonies or training institutions either permanently or until they were able to support themselves. They held, therefore, that boards of guardians, unions, and the whole poor law system could be swept away. The majority of their colleagues agreed that boards of guardians and unions should be abolished, but still believed that in many cases the trouble would only be temporary, and could best be met by help in money or goods given to poor people in their own homes. These

members of the Commission were reluctant to break up homes and send parents and children to separate institutions. Therefore they proposed to continue the system of public aid, but to hand over the work to assistance committees, each serving not in a union or district, but a whole county, with sub-committees for the districts.

There were other differences of opinion, but they need not concern us here, for the general lines of reform which will probably be adopted in practice are laid down in the report of the new Commission, published in 1918. It is proposed to hand over to the ordinary education committees the care of children who are at present under the guardians;<sup>1</sup> and to transfer all the workhouse hospitals and asylums to the public health authorities. As for unemployed workers, they are already helped to a considerable extent by the labour exchanges and insurance; but a special committee is to be set up in each county to make provision for them, and in particular to give training to those who need it, and help to those who wish to travel in search of work. This committee would probably have charge of labour colonies for the "unemployable."

But the new Commission agrees with the majority of those who reported in 1909 in emphasizing the need of help given in their own homes to those who are in temporary difficulties. This "Home Assistance Committee" should also decide whether any of the people coming under their care need to be sent to institutions, such as hospitals, asylums, training centres, or labour colonies. It would further have the very important business of keeping a register of all the cases dealt with by any committee or public body. At present many different bodies are giving various kinds of help, and there is no proper system of co-operation among them. The result is that some persons who badly need help are left out of account altogether, while others have more than they really need. Seven separate authorities give assistance in the home, and five deal with the unemployed. A common register would ensure that every one needing help

<sup>1</sup> The work of the Education Committee is described in Chapter XIII.

## DISTRICT COUNCIL AND PUBLIC HEALTH 33

would have it, and that the different committees would not waste time, money, and effort in doing one another's work.

The important point is that if the new scheme is carried out the union and the board of guardians will no longer exist. The work of public aid will be done instead by county committees dealing with health, employment and training, and home assistance. When this change is made the whole work of local government will have been brought under a single scheme; for the board of guardians is the only local body that still remains independent of the district and county councils. Highway, health, and school boards have already passed into history, and by the time when this chapter appears in print the boards of guardians may have gone the way of the rest.

### BOOKS

M'LACHLAN.—*Urban District Councils*. A practical guide by the Chairman of a Council.

#### *Public Health*

MISS C. MATHESON.—*Citizenship*, Ch. VI.

SIR G. NEWMAN.—*Health of the State*.

See bibliographies in these works for further reading.

#### *Public Aid*

MISS MATHESON.—*Citizenship*, Chs. II. and III.

CHAPMAN.—*Work and Wages*, Vol. III.

MUIRHEAD.—*The Starting Point of Poor Law Reform*.

The most important official documents on the subject are the *Report of the Royal Commission on the Poor Laws* (Cd. 4499), and the brief *Report on Transfer of Functions of Poor Law Authorities* issued in 1918 by the Ministry of Reconstruction (Cd. 8917).

#### *Housing*

MISS MATHESON.—*Citizenship*, Ch. IV.

CHAPMAN.—*Work and Wages*, Vol. III., Ch. I.

REISS.—*The Home I Want*. A short and readable survey, well illustrated.

## CHAPTER IV

### COUNTY COUNCILS AND COUNTY POLICE

**T**HE county is the largest area for purposes of local government, and its council is an august body. It would hardly be fair to say that it is more important than the district council, for the business of the district and union—the care of health, highways, and public aid—is as useful as anything that is done by any governing body. Nevertheless the county council does equally important work, and it is in a sense superior to the district councils, for it has some measure of control over them and over the raising of their rates. As a mark of their high position, a quarter of the members are given the title of aldermen.

Counties vary very much in size, and the councils vary correspondingly, from less than thirty members to well over a hundred. Some of the largest counties, such as Yorkshire and Lincolnshire, are divided into two or three sections, each with an independent council; so that instead of the fifty-two counties of England and Wales that we find in atlases, there are sixty-two counties for the purpose of local government, or at any rate sixty-two divisions, each of which has a county council. The members are elected every three years by the ratepayers.

Is there any real need for county councils? We asked a similar question about the district councils, and here we may give a similar answer. There are some kinds of work which may be well done by local bodies, but are best done for a whole county together, rather than for a smaller district. For example, the county council has charge of the main roads and bridges. Main roads are chiefly used by carts or motors going on fairly

**The need for  
County  
Councils**



long journeys—beyond the boundaries of any particular district, and their upkeep is very expensive. If a district council had to look after them the ratepayers of the district would pay for work which chiefly benefited outsiders. Therefore the county council steps in, and either sees to the work itself, or at any rate pays the district for looking after the roads and bridges.

In dealing with the district councils we saw that they took over the work of other bodies which had managed some branch of local government in similar districts; and we saw that this was one reason for the formation of district councils. The county councils also took over duties which had belonged to an earlier body. From the sixteenth century onwards, a great part of local government was carried on by the magistrates—Justices of the Peace, appointed by the central government—of whom we shall have more to say in a later chapter. Now each Justice of the Peace was appointed to serve in some particular county. Four times a year the Justices in each county used to meet in the chief town, and their meetings being held once a quarter, were called the quarter-sessions. The chief business of the quarter-sessions was the holding of law courts, but when all the cases had been tried the Justices met by themselves to do the local government business of the county. When, in 1888, Parliament put this business into the hands of an elected council, it was natural to appoint a council for each county, because the county was the area which the Justices had managed.

There is another, and a very interesting, reason for the existence of county councils. It is a good principle, whenever you find that the people living in some district have a strong feeling of fellowship—a sense of loyalty and affection towards their district and the people living in it—to allow them as far as possible to manage their own affairs. And this principle is equally true whether the district in question is a village, a town, a county, or a whole country. Now it happens that in the United Kingdom most of the counties are very old-established: many of them go back to Anglo-Saxon times. Customs and traditions have grown up among the men of a particular county, habits of thought and speech, special feasts

and games, special cakes and dishes ; and a man often feels towards his native or his adopted county a fondness and a home affection that he feels towards no other part of the world. In all parts of the kingdom this county loyalty appears—in Devon and Northumberland, in Fife and Argyll, in Antrim and Kerry.

Since this county loyalty is so common and so strong it is a good thing that each county should have a government of its own. Men think of the county not simply as a tract of land in which they happen to live, but as an institution which they like, and in which they feel a personal interest ; therefore they have also a personal interest in the council which carries on the business of the county. In this respect the county council has a better claim to exist than the district council.

We have said that the county council does important work. We must see now what its work is. The chief branches of **Work of the** county business are the management of *police*, **Councils** provision of *schools*, levying of *rates*, and arrangement of *elections*. We will take these duties in order and see what they mean.

In encountering the police we meet for the first time with another side of local government. Almost all the works of **Police** local bodies which we have noticed have been in the nature of service for the health, comfort, and well-being of the public. But the police exist to carry out and enforce the law, and they remind us that governing bodies not only serve but govern in the original sense of the word : they rule society, and compel people to do certain things, or not to do certain other things. However, we have not yet really come face to face with this side of government, for although the county council can make rules it is not directly concerned with enforcing them. The police, it is true, are generally responsible for bringing law-breakers to the courts to be tried. But the county council only pays and manages the police : it has nothing to do with the courts. Therefore we will speak later of the way in which the law is made, and of the courts in which it is enforced ; and at present we will deal only with the management of the police.

We have all been used to seeing policemen from our earliest

journey in a perambulator, and they seem to us so firmly established that we can hardly realize what a new thing the police system is. As a matter of fact it only began in 1856, and we might describe it as one of the great inventions of the nineteenth century. In earlier times there was no regular police force, but in each parish every able-bodied man had to serve his turn for a short time as the parish constable. No one was paid for this duty out of the public funds; but anybody who did not wish to serve—the duty was very unpopular—might persuade some one else to act in his place, and might pay this person for serving as his substitute. So that in practice the same man might be a constable for a long time, and might be paid by private persons whose place he was taking. The same arrangement was used in towns, but each town had several constables who were known as watchmen. This old system of amateur constables was very inefficient. The officials were generally reluctant to serve, and had no pride in doing their work well. Shakespeare has preserved for us this old type of watchman in the persons of Dogberry and Verges. Their chief desire was to avoid trouble; and if a criminal escaped them they did not pursue him, but thanked God they were rid of a knave. When the law was left to be enforced by such men it was naturally not enforced. Not every constable, of course, was a Dogberry, but still the system was so slack that a criminal could easily escape from justice. Therefore crimes such as theft from houses, sheep-stealing, horse-stealing, and highway robbery were far more common than they are to-day.

The main roads near London were especially dangerous, for the traffic along them was the most frequent and there were abundant prizes for robbers. Places near London which are now respectable suburbs, such as Hampstead, Hounslow, and Turnham Green, used to be dreaded by travellers. Where a main road ran through woods the trees were sometimes cut down, leaving an open space of about fifty yards on each side of the roadway, so that highwaymen could not suddenly spring upon the passers-by. Country bankers in the eighteenth century, when they sent money up to London to be deposited in the Bank of England, used

to send it with a fully-armed escort, and even then were thankful if it arrived safely. A cloth merchant who had just returned from a long business journey early in the eighteenth century, wrote to all the customers he had visited: "I have reached home, God be praised, safe and well."

In the old days, before our modern police system was invented, there was no lack of laws against robbery and violence. The trouble was that the laws could not be put into force. The government had to rely on amateur constables and private citizens for finding out who had committed crimes and bringing the offenders to trial. There were ninety-nine chances to one that a crime would not be found out. Persons tempted to break the law could not be checked by the thought that punishment was certain to follow, for nothing was more uncertain. Therefore the government imposed fierce penalties for even trifling crimes, so that if the hundredth chance came true, and an offender were discovered, he would suffer terribly. It was hoped that the mere possibility of a severe punishment would be enough to frighten people away from crime. But the system did not work well. The remote chance of being caught did not check the criminal. Moreover, juries would not convict prisoners who had committed a small offence if the punishment seemed unduly heavy. Therefore a guilty person was often allowed to go scot-free, and his good fortune encouraged others to copy his misdeeds.

We do not wish to make our ancestors seem worse than they were. There have always been great numbers of law-abiding people in the country, and from the Middle Ages onwards there was a gradual increase of order and an improvement in the system of law. But progress in the last sixty years has been much more rapid, and a great deal of it has been due to the police. Punishments are milder and more humane, but they are also far harder to escape. Ever since the time when the newly-invented telegraph was used in the arrest of a criminal who was travelling by train to London, the organization of the police has been continually improved; until now, in face of elaborate methods of detectives, and the use of black lists, photographs, finger-prints, telephones,

and a world-wide system of cables and wireless stations, it has become very difficult indeed to avoid the arm of the law.

But increase of good order has not only added to the comfort of sober people and to the discomfort of evil-doers: **Value of Security** it has also done a great service to civilization, in the first place by protecting trade, and secondly by allowing freedom for thought and art, and other things higher than worldly wealth. Anyone who makes a study of trade will soon learn that one of the first things needed for the progress of trade is security—protection against fraud by buyers and sellers, and the safety of goods that are being carried from one place to another. It is very easy to understand this point at the present time, for we all know how much damage has been done to trade by submarines—not only by the actual sinking of ships, but by the mere risk that vessels might be attacked and cargoes lost.

Safety of goods is partly due, indeed, to seaworthy ships, efficient railways, and well-made roads: honesty in trade has increased with the growth of better traditions and higher standards of conduct. But these things are also in part a matter of law and police. Good and strict laws are needed to make it clear what methods of trade are fair or unfair, to decide how employees are to be treated, to punish fraud and theft, to enforce the payment of debts. A good system of law is so necessary for trade that in the Middle Ages, when there were hardly any rules for the conduct of business, the traders had to work out a system of their own, which was known as the law merchant. Therefore we can be sure that law and the police must have some credit for the great increase in the security of trade which came about during the nineteenth century. The benefit of security, moreover, is not felt by merchants, shopkeepers, and manufacturers alone. It is felt by every one, because good trade brings full employment, high wages, and cheap prices.

But the benefit is not confined to trade alone: it affects every side of life. We can readily see the reason. The recent war will supply us with an example. The war has made us realize what an enormous amount of its wealth

and talents and energy a modern nation must spend in defending itself. If the wealth which has been spent during the war, and for many years before, in maintaining huge armies and navies, could have been spent in educating the people, in giving them better houses, and in doing away as far as possible with poverty, every nation of Europe would have been much happier and more civilized than it is to-day. And we can see that if in the future nations, like individuals, can give themselves a system of law which shall guarantee their safety and keep the peace among them, both wealth and every other side of civilization will be able to flourish as they have never done before.

This discussion has taken us some distance from the modern policeman, but perhaps it has enabled us to see more clearly why the police are so important to society, and why they are, in truth, one of the great discoveries of the last century. Now we may fix our attention on them again and learn how they are managed by the county council.

As a matter of fact the council works through a committee, which is composed partly of members of the council and partly of Justices of the Peace. This committee decides how many policemen are needed in the various parishes, appoints the constables and their officers, pays them and provides their uniform, and pays for the upkeep of the police stations, prisons, and courthouses in the county.

The great majority of policemen are plain constables. The whole county is divided into police districts, the districts are divided into "beats," and each beat is patrolled by certain constables. At the head of the various districts are superintendents. They have charge of the police stations, and with the help of sergeants and constables do the office work required there. The whole police system of the county is under the management of the Chief Constable, who is one of the most important of the county officials. He makes reports to meetings of the joint committee, but in practice the committee generally leaves him a very free hand. For example, although policemen have to be appointed by the committee they are actually chosen, as a rule, by the Chief

## COUNTY COUNCILS AND COUNTY POLICE 41

Constable, and the committee merely agrees to his choice. The county council in turn receives reports from the joint committee, so that the council's control over the police is after all very indirect. But the point to be remembered is that the police are a county institution.

Although the management of the police is such an important duty, it does not take much of the time of the **Other** county councils. What, then, is the business **Business of** which occupies their attention? It is of a very **the Council** miscellaneous kind, because all manner of odd pieces of local government work which had been given to the county Justices were taken over by the councils.

This work includes, in the first place, the care of property. Many county councils own a good deal of land. All have **Land and** county halls and offices. In connexion with the **Buildings** police system there are prisons and courthouses to be maintained; also reformatories, where children who have broken the law and are in danger of becoming criminals are trained up to be useful citizens instead; and inebriate homes, where confirmed drunkards are treated for the cure of their weakness, which is often a disease rather than a crime. In connexion with the public health system there may be hospitals for infectious and other diseases, and asylums for lunatics. Most of the public health work, as we know, is done by the district councils, but fortunately there are not so many invalids and lunatics that a separate asylum and hospital are needed for every district. Therefore in many cases the county council keeps these buildings, and the patients from several different districts can be sent to them.

We noticed at the beginning of this chapter that the council takes charge of main roads. It has power to decide which are **Main Roads** to be called main roads and which are to be left **and Bridges** to the district council. It has also the duty, which used to belong to the Justices, of making and repairing the chief bridges. In the early days of civilization the making of bridges was one of the greatest works known to mankind. Indeed we can readily see how important they are if we remember that many towns, such as London and Paris, grew up round bridges, and that without bridges there could

be neither railways nor canals, and roads would have to run through, and not over, rivers. In ancient times men thought so much of the art of bridging rivers that the making of a bridge was a great religious ceremony. The high priest of the old Roman religion had the title of Chief Bridge-BUILDER. With modern methods and machinery the work is so easy that the making of ordinary bridges gives little trouble to the county councils. They let out the work to a contractor, who runs up a bridge with such speed and skill, and such indifference to religion and art, as would have astonished and horrified the ancient world. For it must be admitted that the new bridges are not all as beautiful as the old ones—particularly since iron came into use for this purpose. Apparently iron is capable of being cast into uglier shapes than any that can be produced in stone.

As well as the main roads, the county councils have charge of the main rivers—that is, they keep the channel clear of weeds and the water as free as possible from pollution, and see that the banks are kept in sound repair. The care of the banks is the most important in the case of rivers liable to floods, or where a river makes a sharp bend so that one bank is always being worn away. When a road runs close by a bend in a river it is sometimes necessary to protect the road by building up the bank with concrete.

Among the minor works of the county councils are the inspection of the weights and measures used in warehouses and shops, in order to see that customers get their full measure of goods; the protection of certain wild birds from wanton shooting, and of their nests from egg-collectors; the keeping of lists of churches; and the granting of licences, chiefly to theatres. No one may open a theatre, concert hall, or a room for large public meetings without a licence from the county council. It is once more a question of security, for before the licence is given the council must be satisfied that the hall is reasonably protected against fire, and that there are easy means of exit for the audience in case a fire should break out. Another measure for public safety is the inspection of places in which explosives, such as gun-powder, dynamite, and nitro-glycerine are made and stored.



## COUNTY COUNCILS AND COUNTY POLICE 48

We can all understand the importance of this work, for we know from experience in war-time how much damage high explosives can do, and we can imagine how dangerous they might be at any time unless they were carefully handled and stored in a safe place.

We have seen that county councils help in the service of public health by providing hospitals. They give further help by keeping a laboratory with an expert staff, in which various substances are analysed. The laboratory is used chiefly for testing the quality of food and drink. If, for example, a milkman is suspected of selling water as well as milk, or of selling separated milk as fresh, a sample from his cart may be sent to the county analyst, who will judge whether the milk is in its natural strength, or whether the seller has been altering it to his own advantage. The county council also has charge of the "public health" of animals, especially the task of preventing the spread of epidemics, such as foot-and-mouth disease—an important duty, seeing that the number of domestic animals in the country is quite as large as the number of human beings.

There are three great works of the council which we shall not deal with at length in this chapter, because we shall have **Education,** to speak of all of them elsewhere. — One is the **Rates,** and vision of schools. The county councils are not **Elections** the only local bodies that have charge of education, for many boroughs and urban districts have their own education committees ; but the county councils provide and manage schools in all the smaller towns and villages.

Another great work is the fixing of rates for the whole county and for every district and parish in it. But money has to be raised not only for local purposes, but also for the central government. Therefore we shall return to the rates when we are speaking of the way in which money is collected for all the purposes of government, both local and central.

The third duty is the management of elections, not only for local councils, but also for Parliament. Elections are, as we saw in the first chapter, the chief link between the people and the councils which govern them, the means by which the mass of the people control their rulers. By means of elections our

whole system of government was made and remains a democracy. Therefore the subject is so important that it deserves a chapter to itself.

But as we pass over these duties here with only a bare mention, we should be the more careful to remember that they belong to the county councils : otherwise we should not realize fully the importance of its work.

We saw that the management of police was done by a committee, and as we should expect, there are other committees for several other undertakings : such as education, rates, elections, small holdings, roads, and bridges. The council cannot meet very often, because the members come from all parts of the county, and most of them have to travel a long way to every meeting. Therefore the committees have to work by themselves most of the time, although, of course, they submit reports of their work to the whole council at its meetings, which are held as a rule four times a year.

Most of the work is naturally done by paid officials. The chief official is the Clerk, who is also clerk to the county Justices, and must be an experienced lawyer. The Treasurer is often a regular official, not a bank manager, for he has not only to keep the accounts of the council and its committees, but also to see to the fixing and collection of the rates. And there is enough work here for the treasurer, a chief accountant, and a staff of clerks. Roads and bridges are under the charge of a surveyor ; public health work is under a medical officer ; each hospital and asylum has its director ; and the county laboratory is managed by an analyst ; the business of the schools is in the hands of a secretary for education, and each school has its headmaster or headmistress and staff.

Another official has the duty of inquiring into the cause of sudden deaths. In the ordinary way when some one dies of old age or disease the doctor who has attended him fills in a form, or certificate, giving the cause of the patient's death. This certificate is sent to the *registrar* of births, marriages, and deaths for the district. But if the death is the result of an accident, or if no doctor can say why it occurred, an inquiry, or inquest, has to be held to discover the cause, if it can be dis-

covered. The official who presides at the inquest is called a *Coroner*. He is helped by a jury of twelve men chosen for the occasion. Inquests are part of the general system of law courts. We mention the Coroner here because he is one of the paid officials of the county. The Coroner is usually, though not necessarily, a lawyer. His work is part of the work of government for the public safety. Nothing can be done, indeed, for the person whose death is the cause of the inquest ; he has passed beyond the reach of government. But it is worth while all the same to make an investigation. Something irregular has happened, which has resulted in the death of a citizen. The reason must be known. If anyone is to blame he must be called to account and, if necessary, punished. Or, if the affair was an accident, steps must be taken to prevent similar accidents in future. For example, if a man has fallen over a cliff in the dark, a fence may be put up at the edge of the cliff. Or if the victim was knocked down by traffic at cross-roads, a policeman may be stationed there to control the traffic, or a signboard may be set up to warn motorists of the danger.

Two other officials of the county, the Lord-Lieutenant and the Sheriff, are unpaid, and have few duties. Each county used to supply a number of men, known as the militia, who acted as a reserve for the Army, and the Lord-Lieutenant was the commander of the county militia. But now that the Army is run on different lines he holds this position no longer : his chief duty is to send up to the central government lists of people suitable to be made Justices of the Peace. The Sheriff in the Middle Ages presided over the law courts of the county and collected all the taxes. He is still responsible for seeing that the law is carried out ; and in particular that fines imposed by the law courts are collected. But the work is actually done by an Under-Sheriff, who is paid, with the help of bailiffs (whom we shall mention later in connexion with the county courts). Besides the Lord-Lieutenant there are a number of Deputy-Lieutenants. Their title is simply a title of honour, and carries no duties with it.

## CHAPTER V

### THE BOROUGH AND MUNICIPAL TRADING

**W**E come next to the busiest of local bodies, the Borough Council. A borough is a town which has been more or less—in some cases completely—taken out of the ordinary system of county and district government, because of the great amount of work to be done in it, and given a council of its own with very wide powers. There are about three hundred **Charters** and thirty boroughs in England and Wales, so that their number includes practically every town of any importance. Each borough has received at some time a charter from the central government, which gives the rate-payers the right of electing a council, states how many members the council is to have, and shows in general what work it is to perform.

Some small boroughs have only twelve members in the council, some of the largest have nearly ten times as many.

**Councillors** In the borough, as in the county, a quarter of the members are given the title of *aldermen*, and as a special distinction the chairman is known as the *Mayor*. If there are sixty councillors in some town, there will be twenty aldermen and a Mayor—eighty-one members altogether. Councillors are elected for three years; they in turn elect the aldermen, who sit for six years; and a **Mayor** is chosen afresh each year by the whole council. In some large towns the Mayor, as a further mark of honour, is called Lord Mayor; and certain boroughs, usually, though not necessarily, those which have cathedrals, are called cities, but the city is governed in exactly the same way as any other borough.

The Lord Mayor of London, by an old custom, is elected on 9th November at noon, and his election is followed by "the Lord Mayor's Show," a procession through the main streets. Now, according to law, all boroughs have to copy the example of London, except that they need not have a procession. In many towns the Mayor holds a great reception to celebrate his election. There is something to be said for the custom: it gives a large number of townspeople a chance of meeting together in a friendly way, and helps to keep alive a friendly interest in the town. But it is also very expensive: so much so that many quite suitable men have to refuse the Mayoralty of their town simply because they are not rich enough.

We have said that borough councils are the busiest of all local bodies. Their work may be roughly described as **Duties of Councils** combining the duties of district and county councils, and including some special duties in addition. A borough council controls its own police, levies its own rates, keeps up its roads and bridges, has its system of public health work, and manages its own schools. The council also has charge of public buildings, street lighting, inspection of weights and measures, granting of licences, and various other minor functions, which are carried out elsewhere by the district or county council.

We need not describe all this work again in detail. But we should remember that in nearly every case there is more to be done in the town than in the country. The *police* are kept busier, for there are many houses and shops to be guarded against theft, dense traffic to be controlled, bad districts where many of the people are still only half civilized and have very little idea of keeping the law on their own account, and from time to time excited crowds to be kept in order. The heavy *traffic* means much wear and tear of the streets, so that they have to be paved with expensive materials and often repaired. *Public health* is a serious problem in the towns. In the first place, town life in general is less healthy than country life. The air contains much smoke, and often chemical fumes as well. There is more disease and more difficulty in preventing it. Epidemics

in particular are commoner in towns, for people come into contact with each other much more frequently. Because of the large number of closely-packed houses great care must be taken with the drainage. The sewers of a large city are a huge and elaborate piece of engineering. The recent renewal of the drainage system in Manchester involved a year or two of continuous work on a very large scale. The spacious tunnels which form the main sewers of Paris are one of the sights of the city, nearly as famous as the boulevards. Water supply is another important matter. Pipes must be laid along every street, and the council must see that every house is provided with water. To secure a steady and sufficient flow of pure water at all times the councils of some of the largest boroughs have to go scores of miles to find a suitable reservoir. Liverpool and Birmingham both draw their supplies from the Welsh mountains; Bradford has a reservoir high up in the Yorkshire dales; Belfast has great waterworks in the Mourne Mountains; Manchester corporation use Thirlmere, nearly a hundred miles away, as their main reservoir, and although a poet spoke indignantly of their turning "shapely Thirlmere into tanks" they have not really done much to spoil the scenery. But we gain a sense of the far-reaching needs of a great town when we meet on the Kirkstone Pass with stores of huge metal pipes from Manchester, or find trim works of engineering on a wild fellside.

*Public buildings* in boroughs are often numerous, and their upkeep is an important branch of the council's work. The town hall is often a huge and magnificent building. It contains the offices of the council, a large room for its meetings, reception rooms for the mayor, offices for all departments under the council's charge, and often an assembly hall for public meetings and concerts. There will also be a central library and probably a number of branch libraries, sometimes a museum, a large number of schools of various kinds, including a technical school, and several public baths. In some places there are public washhouses, where clothes can be conveniently washed, and rapidly dried by means of hot air, instead of being hung up in a small kitchen or a smoky back street.

Any borough council that is doing its work well will also maintain *parks* and recreation grounds. A town without trees or green lawns is a dismal place. The more of the health and freshness of the country that a town can keep the better it is for the people.

But the provision of public buildings and parks is only part of a very large problem—that of making the whole town a place fit to live in. Another and a most difficult part of the problem is to undo the faulty work of past generations. In the middle of the nineteenth century borough councils did not recognize as fully as they do now the need for safeguarding public health and general welfare. They allowed private builders to put up thousands of mean and unhealthy houses packed together in dull streets, and allowed poor people to crowd into old houses that had seen better days, where a whole family often lived in a single room—so that fifty or sixty persons might be housed, or “warehoused,” in a building that was meant for ten. Councils are now faced with the question of clearing away the bad houses, and not only replacing them with better, but adding great numbers of fresh houses to hold the growing town populations. Moreover, there is a strong body of opinion demanding that the new houses should be more than merely healthy: that they should be well designed, so as to have some beauty in themselves; that there should be beauty and variety in their grouping too, instead of the uniform ugliness of ordinary streets; that they should all be supplied with gardens; that the roadways should be lined with trees and grass borders. In the nineteenth century towns invaded the country: the new demand is to bring back the country into the towns. The effects of such a policy, if it were carried out at all fully, would be beyond all calculation. The mere fact that men were living, and children growing up, in close touch with Nature, would bring endless benefits in health of body and mind and a keener sense of beauty. Whenever men have lived in contact with Nature a feeling for poetry, art, and music has been the rule instead of the exception. It has shown itself in songs, dances, and stories, in architecture, and the beauty and originality of handiwork. The

ugliness which we associate with the nineteenth century was in no small measure due to the separation of masses of men from their proper surroundings. Again, if most people had homes which were worthy of the name, the force of that change would affect every department of life; it would be, indeed, one of the greatest social reforms conceivable. The modern townsman, living among pleasant streets and beautiful houses, would find his interest and affection spreading from his own home to the whole of his city; and the city would come to mean to him more than all that ancient Athens and mediæval Florence and Bruges meant to their inhabitants. The problem of housing and town planning, then, although it concerns material things, bricks, gardens, and roadways, is a problem of far-reaching importance, affecting the highest ranges of civilization. And it is a question that must be faced above all by the councils of great manufacturing towns.

There are some other kinds of work which belong almost exclusively to boroughs. Many borough councils **Municipal Trading** provide gas, electricity, and tramways, and charge the public for these services. If we go for a ride in a tramcar we pay a penny or more, according to the distance we want to travel. If we have a house, and use the town gas for lighting or cookery, we pay according to the number of cubic feet of gas we have used. The amount is shown by a meter, hidden under the stairs or in some corner. Four times a year an inspector visits the house, reads the amount shown on the dial of the gas meter, and charges us for that amount. Or if our house is lit by electricity, the amount of current that we have used is shown on another meter, and another inspector charges us in a similar way. Now tramcars, gas, and electricity are still supplied in some places by private companies; but if they are, we pay for them in exactly the same way. So that a borough council if it supplies these things is behaving just as if it were an ordinary trading company. For this reason the management of such supplies is known as municipal trading—that is, borough trading, for the word “municipality” has the same meaning as “borough.”



Why have borough councils set up in business? Have they not enough to do in other lines of work without burdening themselves with the management of two or three large trading concerns? The answer is that all these undertakings are of a special kind. If they were not worked by the borough council each of them would have to be worked by a single large company. Several different tramway companies could hardly compete for traffic in the same street; and it would be highly inconvenient to have a number of systems of gas pipes belonging to different companies. But if the whole supply of some kind of goods is in the hands of a single company, that company is in a very strong position; it can charge whatever price it likes, because there is no competition to bring the price down. Now it is a serious matter for the townspeople to be charged very high prices for such important things as gas, water, and rides in tramcars. For example, cheap tramway fares enable many workers to live on the outskirts of towns, where they can have gardens and fresh air. If the fares were raised these workers would have to walk, and they would be obliged to live nearer to their place of employment—that is, as a rule, nearer to the middle of the town. The result would be worse overcrowding than ever in just those parts of the town which the council was most anxious to clear of their dense population. Therefore borough councils have to make strict regulations for tramway, gas, and electrical companies, to prevent them from overcharging their customers, and from interfering too much with traffic in the streets. It naturally occurred to many councils that while they were taking so much trouble about these affairs they might as well go a step further and take over the whole management themselves. In this way they could be sure that the public were well supplied, and were charged only a reasonable amount.

This arrangement had another great advantage. Tradesmen commonly make a profit on their businesses, and in the same way borough councils are generally able to make a profit on these undertakings. Most of their income is drawn, of course, from the rates, but the profit adds to their income, and enables them either to lower the rates or to do more work

while the rates remain at the same level. In either case the townspeople are well pleased, for every one prefers to pay lower rates, and at the same time we all like to live in a town in which the council is active and does as much as possible for our welfare. Therefore the borough councils have good reason to take up municipal trading. The movement has spread fast in the last thirty years. Before 1890 very few towns had any trading departments at all, but now nearly every borough in the country has its public service of gas, electricity, or tramways.

Is municipal trading likely to spread still further seeing that it has made such a good beginning? Some people think that it will go on growing until all the chief industries are worked by public bodies, and already there are signs that the movement may still extend considerably. Some councils, for example, have begun to supply milk, collecting it from farmers and distributing it in sealed bottles from a central dairy. Many borough councils, again, own land and houses. In several cases they have bought the land and put up the houses as a means of solving the difficulty of bad housing and overcrowding. In all probability much more will be done in this direction in the near future,<sup>1</sup> and borough councils may become some of the chief landowners and house builders in the country. On the Continent, though not in England, towns often own woodlands and make a profit on them by selling the timber. There is much need for timber-growing in England, but the work is more likely to be done here by county councils or by the central government.

All these undertakings, however, are more or less simple and straightforward. When once land is bought and houses are built the leasing of them is chiefly a matter of routine. There are no changes of fashion in gas or water to trouble the minds of councillors. There is no need to provide different designs and qualities in the case of tramcars as there would be if the council took to trading in bicycles and motors. Moreover, municipal trade is only carried on within the

<sup>1</sup> Especially in view of the help given by Parliament to local bodies under the Housing Act of 1919.

district which the council governs. An entirely new problem would be raised if ordinary manufactures were taken over by public bodies : if, for example, carpets were made and sold by the council of Kidderminster, boots by that of Northampton, and lace by that of Nottingham. In these lines the councils would have to enter into competition on the open market with other manufacturers at home and abroad, and in order to pay their way they would have to sell the goods far outside the boundaries of their own town. Success in such ventures would be much more difficult and doubtful than in tramway or gas undertakings. Further, some industries can best be managed on a small scale—too small for ownership by a town ; while others can be worked most efficiently on a very large scale. Railways, mines, shipping, and telephones are concerns which go beyond the range of a borough council, and if they are owned by any public authority, that authority should clearly be the central government of the nation.

The field of municipal enterprise, then, seems to be confined to fairly straightforward undertakings, supplying, as a rule, a district within or immediately around a town, but capable of being worked satisfactorily on a large scale. It is too early to say that most of the field has already been covered. Quite recently many boroughs have set up kitchens and restaurants which have been remarkably successful. These "national"—or more properly municipal—kitchens usually pay a good profit, and yet provide very cheap meals which can either be taken home or consumed in the restaurant. Their cheapness and convenience are an immense gain to the people, and it is to be hoped that the supply of national kitchens will soon become much more abundant than it is at present. Other new and useful enterprises are the collection of waste tins to be remade, and of waste food to feed pigs, and the manufacture of concrete from ashes. These services have been undertaken by various corporations with great success.

Some borough councils do excellent work in supporting municipal theatres and orchestras in order to provide thoroughly good entertainments at cheap rates. But perhaps

these undertakings should be regarded not as municipal trading, but rather as a branch of education.

One factor which tends to check the enterprise of borough councils is the difficulty of taking up additional work of any kind. They already have a heavy load of responsibility, and the time of the members is fully occupied. The councils work, as do all other local bodies, through the agency of committees. Most councils meet at least once a month, committees meet as a rule every week, and most members belong to several committees. Fresh kinds of work imply new committees, and more effort and trouble for their members. The size of a council may, of course, be increased in order to lighten the work of individual members ; but a very large body is clumsy and difficult to manage, and many councils are already as large as anyone wishes them to be.

The council of an important town generally has twenty or more committees. There must be a General Purposes Committee to prepare business for the monthly meetings ; a Watch Committee to manage the police ; a Finance Committee to check the council's expenditure and prepare estimates for the yearly levying of rates ; and other committees for managing Public Property, for Health, Highways, and Education. There will also be many committees to control the voluntary undertakings of the council, such as tramways, water supply, parks, libraries, and hospitals.

Meetings of committees, like those of the whole council, are open to the public, though few people ever attend. Reports are sent monthly to the council. They are printed and circulated before the meetings, and the most important questions, especially proposals for new expenditure, are discussed before the reports are adopted. Seeing that almost the whole of the council's work is divided up among committees, the chief business at its meetings is the discussion of their reports.

Naturally a great part of the work is done by paid officials, and as there is generally more work to be done in towns than elsewhere, the number of officials is correspondingly large. The most important official is the *Town Clerk*. He is always a trained lawyer, for legal points are

constantly arising in connexion with his work. His duty is not only to act as secretary to the council, he must also serve as a link between the various departments and committees. All the most important business passes through his hands, and he soon acquires a thorough knowledge of local affairs. An experienced town clerk is a constant source of information for the council and its committees.

Some towns have also a *Solicitor*, who can devote his attention to the more difficult questions of law. All must have a *Treasurer* (either an individual or a bank), and there is generally a *Chief Accountant*, the head of a large department. Large towns which have a police force independent of that of the county have also a *Chief Constable*. Other heads of departments are the *Surveyor*, *Engineer*, *Medical Officer*, *Director of Education*, and the managers of tramways, gas, and water supply. The number of officials may be indefinitely increased according to the amount of work undertaken by the council: in every important town there are many thousands of municipal employees.

We have spoken of boroughs in general as if they were all of the same type. As a matter of fact there are two special **County** classes in addition to ordinary boroughs. **Boroughs** Eighteen old towns have had for centuries the same standing for purposes of local government as counties. They were independent of the county Justices, levied their own rates, had their own Sheriffs, and so on; and they still keep these privileges. They are known as "counties of towns," or "counties of cities." In 1888 a number of towns which had grown in importance more recently were given a similar freedom from the new county system, and took the title of "county boroughs." There are now seventy-two county boroughs in England and Wales.

In Scotland there is another distinction. The more ancient towns received their charters from Scottish kings, the more **Scottish** modern from the Scottish or British Parliament; **and Irish** and according to the source of their charters the **Towns** towns are known as "royal" or "parliamentary burghs."

For many centuries Scotland has been well provided with

fairly important trading or manufacturing towns. In Ireland conditions have been different. There most of the towns are small marketing centres, which supply local farmers with agricultural implements and other manufactures, and collect the produce of their farms for sale in larger markets. Many of these little towns used to be boroughs; they were given charters in order that they might return Members to the old Irish Parliament. But a great proportion of them were only "pocket boroughs," which lost their charters either at the time of the Union or by the Irish Municipal Corporations Act of 1840. Since 1898 there have only been six boroughs in Ireland, and they are all county boroughs. The rest of the towns are governed by urban district councils; and as an urban council can acquire, by leave of the Local Government Board, nearly all the powers of a borough, the system works quite satisfactorily. If, as is likely, Irish industries develop rapidly in the near future, some of the towns will increase in size and importance and will probably receive charters as ordinary boroughs.

#### BOOKS

LAUDER.—*Municipal Manual.*

KNOOP.—*Municipal Trading.*

GEDDES.—*Cities in Evolution.*

## CHAPTER VI

### DEPARTMENTS OF STATE

**M**ANY of us remember how from time to time, when we have been at school and were in the middle of a lesson, a stranger has come into the schoolroom, and his appearance has caused something of a stir. He has listened carefully to part of the lesson, he has looked at some of our exercise books, and perhaps he has asked some questions, which we have answered rather nervously, for we felt that he must be a great man. **Inspectors** Probably we knew that he was a School Inspector. And if we knew something about our system of schools we should be aware that he was going to send a report about our work, not to our district, borough, or county council, but to an office in London.

Or, if we pay a visit to one of the meetings of a Board of Guardians, we may find, in addition to ourselves and one or two reporters who are writing an account of the meeting for the local papers, another visitor, who is also an inspector, like the stranger in our school. And if we make a tour of the workhouse after the meeting we may find the inspector doing the same thing. He will find out whether the building is kept in good repair, whether it is clean and airy, how many people are living in it, how they spend their time, what sort of food is given to them, whether the guardians are helping poor people in the right way, or whether they are too generous or too cautious with their help. We may learn that once or twice a year another inspector visits the workhouse to look at the account books. It is his business to see that the accounts are properly kept and added up correctly, and if the guardians have been spending their money—or rather the ratepayers' money—too

freely, he can compel their chairman to pay part of the expenses out of his own pocket.

These two inspectors of the boards of guardians send up their reports to another office in London. And it is to these **Government offices**, where the inspectors' reports are read, that we must turn our attention now.

They are not quite the same as the offices of an ordinary business firm. They are large, indeed very fine, buildings, each containing hundreds of rooms arranged along great corridors. Some of them have imposing entrance gates. Inside there is a constant coming and going of officials and messengers, and a constant ringing of telephone bells. Most of them are in Westminster, quite near to the Houses of Parliament, and many are in one street, named Whitehall, after one of its buildings which is famous in history. Each office looks very much like a complete town hall, but it belongs to something much more important than any local council : it belongs to the government of the whole nation.

A town hall can generally hold most of the departments that are managed by the borough council. It contains a council room, the Mayor's parlour, and offices for the town clerk, the chief accountant, the medical officers, the manager of tramways, the gasworks, the waterworks, and other departments. But the government of the whole country is a much larger affair, and it cannot be housed in a single building. Instead of the council room there are the Houses of Parliament, for Parliament is the council of the nation ; instead of the Mayor's parlour there are several royal palaces ; and the departments are housed, as we have just seen, in a large number of separate buildings. Many new offices were set up during the war ; and there are now some scores of buildings used by the departments of the national government, so many indeed, that the government has been forced to hire hotels, business premises, and private houses, and to fit them up for the work of its thousands of new officials. The Departments of State—to give them their usual name—do much the same kind of work as is done in a town by its departments and committees ; they carry on the daily business of governing the country—or rather the double business of governing and serving. The



head of each department is called a Minister, and the word "minister" means a servant.

What does the daily business of the departments amount to? We may answer the question in part by following up the **Work of the Departments** reports sent in by the inspectors to whom we were introduced at the beginning of this chapter. The report, when it reaches the office in London, will be read by an official called an examiner (because his chief duty is to examine reports and letters). He sorts out the information and sends it on to the proper officials. Information about buildings will go to one person, money matters to another, questions of health will go to the medical men attached to the office. After a week or two the inspector, and the local officials as well, will receive an answer giving instructions and advice on all the matters contained in the report, and all written in a careful, rather stilted style, which is one of the first things that new officials have to learn about their work.

Besides the reports of inspectors, the departments in London receive letters from the local bodies and from private persons, and they have a great many callers. Local officials and members of the councils very often go to London and call at one of the departments to discuss their work, and thus save the trouble of a long correspondence. Further, from all parts of the country, facts and figures, relating to trade, employment, health, schools, and many other matters, are constantly coming in to the Departments of State. One of the chief duties of the officials in London is to put all these particulars in order and publish them, perhaps once a year, perhaps oftener, in the form of a "blue book"—that is, a report, which very commonly has a cover of dark blue paper.

The people who carry on this work are the "civil servants." Those who do the more humdrum office-work are called **Officials** "second-division clerks." Those who do the more responsible work of reading reports and letters, writing answers with advice and orders, arranging statistics and editing reports, are called "first-division clerks." Most of them are graduates of universities, and

in several of the departments they are chosen from those who have obtained the highest marks in a very stiff examination. The seniors among the first-division clerks—the permanent secretaries of the departments and their chief assistants—are very important persons. The nominal head of each department is a Minister, usually a Member of Parliament, who is chosen by the Prime Minister to fill this post. But as he only holds his position for a few years, perhaps only for a few months or weeks, he cannot learn much about the details of the business, and he has to rely on the advice of the chief officials. Therefore, the actual work of ruling and serving the country is very largely in their hands. Their special business is to carry out laws, not to make them. But when a Bill dealing with some Department of State is brought before Parliament, the permanent secretaries are always consulted beforehand, and the Bill often does no more than put on paper what they have recommended. We need not be surprised at this state of affairs. The officials are experienced men, who know their business thoroughly. And we have seen that the same thing happens in local government: the officials do most of the local business, while the councils only supervise the work.

We have glanced at the buildings and the people who inhabit them. Next let us notice the names of some of **Ministry of** the chief departments and the work that is done **Health** in them. As most of our study so far has been concerned with local affairs, we will notice first the department with which the local bodies are most closely connected, the recently established Ministry of Health. Until 1919 most of their work—public aid, public health, and finance, for instance, was supervised by the Local Government Board. But now the rather too-varied work of this board is being divided among a number of departments. The whole care of public health, both for children and adults, is now in the hands of the new Ministry. So too is a good deal of other work which used to be done by the Local Government Board. Eventually, when the change is complete, local finance will probably be supervised by the Treasury, roads by the Ministry of Transport, public aid will be shared

by several different departments, and the Ministry of Health will then do only the work which its title indicates.

Another department that has dealings with the local councils is the Home Office. Its special work is to manage the police system of the whole country. The Home Office county committees, of course, see to the details of management: the Home Office inspects their work to ensure its efficiency, and to keep something like the same methods in force all over the country. It would be disastrous to allow the police to become slack and easy-going in some one county, for that county would soon be full of malefactors, and the law-abiding ratepayers would suffer severely. Moreover, it would be awkward if the police had different powers in different counties: if, for instance, they could fine people on the spot in some counties, but in others had to bring the offenders to trial in a court and leave the magistrates to do the fining. Therefore the Home Office does a useful work in regulating the police system and keeping it in good order.

The Home Office has other inspectors, who are constantly travelling about the country visiting factories and workshops. Their business is to see that the works are well ventilated and reasonably clean; that employees are not compelled to work for too many hours in the day; that machinery is fenced to prevent accidents; and in general to see that the workers are properly treated. Beginning in the year 1802, Parliament has passed a long series of Acts to guard the health and welfare of workers. The Factory Acts amount to quite a large code of laws, and the inspectors have to know the details of the code and to compel the owners and managers of works to carry them out. They have power to visit a mill or workshop at any time, without warning. If the employer is not treating his workpeople in accordance with the law, the inspector can have him tried and punished in the courts.

The Home Secretary, as head of the police, has the power which used to be exercised by the King himself, of pardoning offences, or at any rate reducing the punishments fixed in the law courts. Thus he can change a death sentence to

imprisonment, shorten the period to be spent in gaol, or replace a term of imprisonment by a fine. When a jury finds the prisoner guilty, but adds a recommendation to mercy, it is to the Home Secretary that the recommendation goes.<sup>1</sup>

The Board of Trade is a department which exists to serve the public, and only rules to a very small extent. Its **Board of** chief business is to collect particulars about trade **Trade** and to publish them in the form of "blue books." In every important foreign town there is an official known as a Consul, who sends frequent reports to England as to the state of the markets in his district, the goods that are in most demand there, the prospects of crops, and so on. The Consuls' reports are published by the Board of Trade. So, too, are many reports on prices, wages, and conditions of work at home. For about twenty years the Board has printed once a year a most useful "Statistical Abstract," giving all manner of particulars about trade, population, and prices; a similar Abstract giving figures of the same kind for the most important foreign countries; and a third, dealing with wages and various social questions. A *Labour Gazette*, one of the most interesting of government publications, is issued every month.

Recently the Ministry of Labour has taken over the duties of the Board of Trade connected with wages and conditions of work. About eight years ago, for example, at a time when strikes and lockouts were very common, the Board set up a council with Lord Askwith at its head, to which employers and men could appeal to settle their disputes if they could not agree among themselves. This famous Industrial Council is now a branch of the Ministry of Labour.

The Board of Trade is specially concerned with railways. It decides what charges are to be made for passengers and goods, because very high rates would make travelling a great expense, and would add very seriously to the price of all

<sup>1</sup> In the Report on Machinery of Government, referred to at the end of this chapter, it is suggested that the Home Secretary should become a Minister of Justice. This would mean a connexion, not only with the police, but with the organization of law courts in general.

manner of goods. Nearly everything that we buy is carried by train at one time or another, so that we should all suffer if the railway companies were to charge extravagant rates.<sup>1</sup> After every serious railway accident an inquiry is made by an official of the Board of Trade. He tries to discover the cause of the mishap, and if possible makes arrangements which will prevent such an accident from occurring in the future—a fresh example of the work of governing bodies for public safety. There are similar inquiries after accidents to ships. But seeing that English ships go to distant parts of the world, and foreign ships do part of the carrying trade to England, the Board cannot control shipping charges so easily as it can control railway rates.

The Board of Trade is nominally a committee of several men, like the Local Government Board. It consists of a President, four other Ministers, the Archbishop of Canterbury, and the Speaker of the House of Commons—a curious assortment, but they never meet.

The Board of Agriculture is another "phantom" committee, consisting in practice of the President and permanent Board of officials. It collects and publishes a great deal of Agriculture information; and in addition it manages some farms, and such as the celebrated estate at Rothamstead, in Fisheries Hertfordshire, where experiments are made in new kinds of crops, new rotations of crops, new machinery, stocks of cattle, dressings for the soil, and anything else likely to be of benefit to farmers. Rather oddly, the Board of Agriculture deals with sea-fishing as well as farming. Partly by private enterprise and partly by the Board, a great deal of research has been made into the life-histories of the most useful kinds of fish. Their migrations have been followed, their numbers roughly ascertained, their habits studied. Regulations have been made to prevent the exhaustion of fishing grounds by

<sup>1</sup> Railway companies, like tramway and gas companies, have a good deal of monopoly; therefore the central government must do as a borough council does—it must either control the charges or take over the whole concern. At the present time our government is tightening its control over the railways, and it seems not unlikely that they will soon be managed altogether by the new Department of Ways and Communications.

too much capture of young fish. Great quantities of eggs are hatched in special stations by the seaside, and the small fry are tipped into the sea, to replenish our food supply when their time comes. Other governments, especially the Norwegian, have done valuable work of the same kind, and undoubtedly now that the seas can once more be crossed in peace these efforts will result in a greatly improved supply of fish and better times for fishermen.

The most familiar of all the Departments of State is the Post Office, which has at its head a Minister, the Postmaster-General. The first, and main, business of the Post Office is to carry our letters; and, apart from the sorting and carrying in vans or by postmen, the letters and parcels are actually conveyed by railway and steamship companies, who are paid by the government. But the Post Office does much more than act as a carrier. It manages all the telegraphs in the country, and a few years ago it bought up all the telephones as well. The stamps sold over the Post Office counters are not only used to pay for letters. Many of them are gummed on to legal documents, and in this way pay a kind of tax: so that the Postmaster-General is a great collector of taxes. In the same way his officials sell stamps for insurance cards. Further, the Post Office sells us money orders and postal orders; a convenient means of sending money to any part of the country, or, indeed, any part of the world. Old age pensions are paid at post offices; and finally, the Post Office Savings Banks do an immense business, which is useful both to the public and to government. The Post Office differs from the other departments in one respect: it makes a charge for most of its services, that is, it is run like an ordinary business concern, or like the tramways or gas-works in a town. It is the great example of *national trading*, and a good example, because it yields a handsome profit of several million pounds every year. Most of the profit is made on the letter-carrying business. Telegraphs and telephones are so expensive that in spite of efficient management they scarcely pay their way.

In some countries the national government owns some or all of the railways as well, and generally makes a good profit

on them. Some governments own mines (the Kings of England used to do so), some have forests, and do a great trade in timber. Quite possibly our government may buy up railways, merchant ships, and mines, and may plant forests, in the near future. It may even go further and develop a great system of banking and insurance; but these things are matters of speculation, not yet of fact.

The mention of insurance may remind us of the great scheme of providing for medical treatment which was started a few years ago. It is managed by the National Health Insurance department. Another kind of insurance—against unemployment—is under the control of the Ministry of Labour.

There are several minor departments, on which we need not dwell, although they are very useful and important. One is the Trinity Brotherhood, with its headquarters on the bank of the Thames, which manages the lighthouses, lightships, beacons, and buoys all round the coast. Another is the Mint, which makes all the metal money for the British Isles. A third is the great office, Somerset House, close to Waterloo Bridge, where registers are kept of all births, marriages, and deaths of British subjects, and of all business companies in the kingdom. The lists kept by the Registrar are useful for all manner of purposes. For example, anyone who wishes to prove that he is of a certain age or is a British subject, can do so by sending to Somerset House for a copy of his birth certificate. The lists also give valuable information about such matters as public health and the movement of the population. And we should not omit the Stationery Office, which not only supplies the other departments with their writing materials, but also undertakes the publishing of all blue books and other documents issued by the government.

These are only a few of the departments that exist to-day. Many others, such as the Ministries of Munitions, Pensions, Reconstruction, Food Control, and Shipping Control, were created during the war. Some very important departments we shall meet with in other chapters.

Enough has been said to suggest what a huge concern the national government is, with its scores of departments, and

its scores of thousands of civil servants. Many people, indeed, fear that it is becoming too large and cumbrous. They fear that our country may be overburdened, as some others have been, by a vast civil service, which will crush out the fresh life and enterprise of the people under a sheer weight of government. If our government grows to such an extent it will have defeated its own ends. But it has not reached that stage yet. Most of the departments do far more to help our lives than to interfere with our liberty. And in the matter of expense, the Army and Navy are still a greater burden than all the other branches of government put together.<sup>1</sup>

For an appreciation of the work of administration and a grasp of the probable direction of reform, the *Report of the Machinery of Government Committee* (Cd. 9230, issued by the Ministry of Reconstruction in 1918, price 6d.) is indispensable. A convenient summary of facts relating to Departments of State will be found in *Outlines of Central Government*, by J. J. CLARKE.

<sup>1</sup> As this volume is concerned only with domestic affairs, we have said nothing here of the five great departments—War Office, Admiralty, and Foreign, Colonial, and India Offices—which deal with external relations,



## CHAPTER VII

### CENTRAL AND LOCAL GOVERNMENT

**S**EEING that there is a Parliament for the whole country and a great organization of Departments of State, would it not be both simpler and more satisfactory to leave the entire work of government to these bodies instead of thrusting into our system a cumbrous mass of local councils and departments? This question opens up a large field of inquiry—the whole problem of centralized and localized rule—over which we can only afford a rapid glance.

There are several reasons why the duties of government must in practice, and ought in theory, to be shared between  
(1) **Lack of** Parliament and local bodies. In the first place  
**Time** Parliament could not undertake all the work. The time of the Members is fully occupied already, and the details of local needs in every part of the country would put upon them a burden far too heavy to be borne. Inevitably they would leave the work to paid officials, and a great part of our system of government would become a bureaucracy—a rule of officials—with the evil results which we have already hinted at. The fact is that whenever an attempt has been made to rule a large country from a single centre the government has been bureaucratic. That was the case, for instance, in England, France, and Spain in the sixteenth and seventeenth centuries, in Prussia in the eighteenth, and in the ancient Roman Empire. In every instance the method of government caused great discontent and ended in disaster.

Secondly, even if Parliament could economise its time, and  
(2) **Lack of** deal in detail with local affairs, the work would  
**Interest** still be badly done, simply because the Members would not be interested. Would the Members from Yorkshire,

Lancashire, and the Midlands discuss with eagerness a question relating to some village in Cornwall? Or would the Cornishmen show any enthusiasm about the lighting of Birmingham or the paving of Inverness? In our study of the parish council we saw that the people of a particular village would find it worth its while to deal with small matters which would not interest a district or a county council. The same principle applies to local government as a whole. Local bodies will treat with thoroughness and zeal questions which would be lightly dismissed by Parliament.

Thirdly, we will imagine the Members of Parliament so gifted and active that they can do all the business, both (iii) **Waste** local and national, and so wide in their sym-  
**of Talent** pathies that they will discuss the working of a village pump as seriously as an important treaty with a foreign power. Even so, there would be a great loss. If all the burden were thrown on a few hundred men, the talents of thousands of people in all parts of the country, which might have been devoted to the work of government, would be wasted.

There would not be so much loss in carrying on the ordinary day to day work of government as in undertaking new work and making experiments. Life is made very dull for us if we always have to carry out the orders of other people without ever being allowed to do things in our own way or to work out new ideas. Every intelligent man of business knows how useful it is to give his helpers freedom and responsibility—to draw out all their talents, to reward enterprise on their part, and to encourage them to think for themselves. The success of many a leader of trade and industry has been largely due to the fact that he knew how to choose good men, and had the sense to give them a free hand. If he had given them no freedom, but had made them obey strict orders all the time, their work would have been a dull round of duty, they would have done it without any freshness of interest, and a great part of their ability would have been wasted. If a borough council sets up a technical school or starts a system of tramways, the members, and the townspeople as well, are proud of the new institution and anxious to make it a success.

But if they were commanded by the central government to start these institutions, ordered to build the school in a certain place, told exactly what should be taught and how the teaching should be done, given instructions as to the type of tramcar to be used, the streets along which the cars should be run, and the fares to be charged—how much interest would any of them feel in the new undertakings?

There is a great gain, then, in encouraging enterprise and drawing out talents by allowing the local bodies a large measure of liberty in choosing what work they will do and how they will do it.

Finally, there is safety in numbers, and a corresponding danger in giving too much power to any single individual or body of men; so that local councils are, or may be, of Powers useful as a check on the central government. But the argument cuts both ways, for the central government is also a useful check on the local bodies. To realize fully the importance of this point we should need to have before us a wide range of history, for the balancing of central and local powers is one of the most interesting features in the history of governments. In feudal days the power of kings and royal officials was generally very small: local rulers and towns had too much authority, especially on the Continent, so that nobles could become petty tyrants, townsmen could ill-treat the peasants in the surrounding country, factions inside a town could quarrel perpetually, and different towns could dispute among themselves without hindrance. With stronger central governments there would have been far more peace and order, and the common people would have had much safer and happier lives. In the sixteenth century the tables were turned, and kings and their ministers had too much authority. At length in most countries of Western and Northern Europe a balance has been struck, and in England during the nineteenth century a particularly satisfactory system was worked out. The system is not quite ideal, but it shows very well how a central government can control the local councils without interfering too much with their freedom.

One of the commonest methods of control is also one of the best—the method of giving advice. The central officials are

constantly answering questions and making suggestions to local bodies both on large matters and on all manner of details. This

method is especially good, because it puts at the disposal of local councils, all the knowledge and experience of the central officials and still leaves the councils free to act on their own judgment. But in order to learn the needs of the various districts the central government must keep closely in touch with them. It does so partly by correspondence and partly through inspectors who visit the districts

(I) **Advice** and make reports to their department. The first inspectors were appointed in the eighteen-thirties.

They proved so useful that their number has continually increased, and they have become a very important part of the machinery of government. During the last century the government of this country, and of most other countries, has become very much more efficient; and two chief reasons for the improvement have been the much greater ease of communication (by means of railways, telegraphs, and telephones) and the system of inspection. No manager of a business can do his work properly unless he knows what is happening in the different departments under his charge—whether each department is paying its way, whether each is turning out a reasonable amount of work, how the machines are wearing, whether time could be saved by new machines or by a rearrangement of the work, and so on. And in the same way we can imagine how hampered a government would be if it only knew fully what was happening in London, and had nothing more than a hazy idea of what people were needing and thinking and doing in other parts of the country. Inspectors supply this knowledge, and at the same time an experienced inspector can add a great deal of useful advice.

Parliament, as we know, makes laws for the local bodies. The Local Government Acts of 1888 and 1894, which established county, district, and parish councils, are

(II) **Statutes** examples of such laws: so too are the Acts dealing with public health, public aid, and education. Further, if a borough council wishes to have some power which is not allowed by its charter or by the general Acts relating to boroughs, it can get leave, if Parliament is willing, by means of

a special "private" Act. But a private Bill is troublesome and expensive, and it is seldom necessary in practice. In most cases the department concerned is allowed by Parliament to give leave by means of a "provisional order,"<sup>1</sup> which is much cheaper and more convenient than a private Bill. The power of the central government is exercised most of all in matters of money. No local body, except a borough, may borrow money without its leave. But every large undertaking of a local body—such as putting up buildings, buying land, or starting a system of tramways, gas, or water supply—means borrowing. The ratepayers could never afford to pay for these things out of a single year's rates: therefore the money has to be borrowed from banks or private persons and paid back gradually. Before the government will give an order for such a loan it inquires into all the circumstances, and it must be satisfied that the money will be well spent.

Further, all the accounts of the local bodies are inspected every year by auditors, who are officials of the central government. The auditors see that all the books are properly kept, and have the power to "surcharge" the members or officials of the council for any money that they have spent in ways not allowed by the law; that is, they can make the members pay the money out of their own pockets. We can readily understand that this power helps to make the councils careful in their expenditure.

Finally, about £10,000,000 are paid by the central government every year to local bodies to help with their general expenses, and a much larger sum for special purposes, such as education and housing. These payments are known as grants in aid of local taxation, or, more briefly, "grants in aid." Some grants are paid automatically without any special conditions, but others are only given on terms, and the terms are those of the central government. A good example is the new system of payment to local education committees introduced in 1917. The grants

<sup>1</sup> "Provisional" because at first it is not binding, but may be altered within a certain length of time, usually a month. At the end of that time, if no objections have been raised, it becomes legally binding.

are skilfully arranged so as to encourage the committees that are doing their best to provide a good education, and to cut off supplies from those that are spending their funds badly.

All this inspection, advice, auditing, and granting of orders and sums of money, means a great deal of central interference. Some hundreds of provisional orders, for example, are allowed every year, and the orders for borrowing run into thousands. The fact that there are also many hundred surcharges in the course of a year shows that some control over local spending is really needed.

There is, of course, a certain amount of grumbling among members of councils against interference on the part of the central government; but on the whole the system which we have described carries out quite well the intentions of its authors. It secures a fair level of efficiency, and prevents wild expenditure; it allows the central departments to advise and encourage local bodies. At the same time it leaves the local bodies reasonably free in the management of their own affairs, so that they can take a real interest in public business, and have abundant scope for enterprise and experiment.

For a full discussion of the problem, which is only outlined in this chapter, see P. ASHLEY's *Central and Local Government*.

## CHAPTER VIII

### PARLIAMENT AND DEPARTMENTS OF STATE

**L**OCAL departments are controlled by the borough or county councils, and in the same way the government offices are kept in check by Parliament. We think of Parliament chiefly as a body which passes Bills for the government of the country, and has long debates about them which are reported in all the newspapers. The passing of Bills is a very important side of its work, and we shall have to deal with this side in due time. But for the present we will think of Parliament as the council which controls the Departments of State, and this part of its work is quite as important as the other.

Let us imagine for a moment that the work of Parliament began and ended with passing Bills, that is, making laws ; **Importance** and that the departments were left quite free to **of Control** go their own way. Suppose, for example, that an Act was passed ordering that no one in certain trades should be compelled to work for more than thirty-six hours a week. It would be the business of the Home Office or the Ministry of Labour to see that this law was put into force. But perhaps that would be found a very difficult matter. The officials might all be busy with other affairs, and none of them might be anxious to take up this particular work—consequently it would not be done. Members of Parliament would find that their new law was a dead letter, and they would have no means of bringing it to life. The thirty-six hours' week could only be enforced if every worker who was made to work for longer hours were to prosecute his employer in the courts. And even this method might not be successful ; for if the Departments of State were

quite independent, the judges, in all probability, would soon treat their orders as having the force of law, and the will of the Home Office rather than the will of Parliament would be carried out.<sup>1</sup>

We can see that unless Parliament could control the departments, and ensure the performance as well as the making of law, it could not be said really to rule the country. But Parliament is a ruling body, and does supervise the departments. How, then, is its control arranged?

From our study of local government we should expect to find a committee appointed by Parliament to control **Methods of** each government office, and a chairman elected **Control** by the committee serving as the Minister in charge of the department. No doubt this would be the arrangement if Parliament, like the local councils, had been newly designed a few years ago. But it is a very old body, which has worked out its methods by a slow and piecemeal process, and its system of control is quite different and less simple.

In the first place, questions are used as a means of control. Read a report of any day's proceedings in Parliament, and you will find that the early part of the sitting is taken up with the asking and answering of questions. Some are about general matters, such as the programme of business to be carried through in the near future; but most of them deal with the work of some particular department. Thus if the Home Office has not been enforcing the thirty-six hours' week, a Labour Member will probably ask the reason. The Home Secretary will be unable to make a proper excuse. By the next morning, the news will be spread all over the country that the Home Office is favouring the employer against the worker; and working people in all trades will feel less kindly towards the government. In this way the mere asking of questions is an important means of checking the power of government offices.

<sup>1</sup> In this instance a department has failed to carry out the instructions of Parliament. On another occasion it might quite as readily undertake work or issue orders for which Parliament had given no sanction.



## PARLIAMENT AND DEPARTMENTS OF STATE 75

Another and still more important method is the control of Parliament over money. All the money used by departments in ordinary times comes from the public **over Money** in the form of taxes; in times of great need (especially in war-time) some is raised by borrowing. But loans and taxes alike can only be raised by Parliament. Without the permission of Parliament neither a Minister nor a Department of State can take a farthing [from the public. Permission is given from time to time by means of a "vote of supply," that is, an Act allowing the Ministers to spend certain sums which are specified in detail. If the Members are satisfied with the work of the departments they will generally pass a vote of supply without much discussion. But if some of them are dissatisfied they will make objections when the vote is proposed. Some Members will probably propose that the amount either of the grant to a department or of its Minister's salary should be cut down. Then the Ministers will have to defend their policy and their actions; and the whole question of the use to which the money is to be put and the work of the departments concerned will be thrashed out across the floor of the House. If the debate shows that Ministers have been at fault, they will lose some of their following both in Parliament and among the public.

That would be unpleasant for them, but would it really matter? A strong man who believes that he is in the right will not be moved by unpopularity: he will hold to his opinion against the world. Cannot a number of Ministers do the same thing? Is there any reason for them to mind what the public think and what Parliament thinks of their conduct and policy?

To realize the force of this question we need to know something more about the Ministers. At a first glance we might suppose that a very simple answer could be given. If Parliament does not like the Ministers it can turn them out and appoint others. But as a matter of fact, Parliament, in theory, can do no such thing; for it has no power either to appoint Ministers or to remove them. Ministers are chosen by the Prime Minister and appointed by the King. No one

but the King can dismiss them, and even so it is a very long time since any king has made use of this power. The position, then, seems much more serious than we supposed at first. It looks as though Parliament could do no more than make itself disagreeable; as though it could only bark and not bite.

It is here that the control of money comes into the argument. Although Parliament cannot directly force Ministers to resign, yet if they persist in ignoring its wishes, sooner or later it will refuse to grant them any more money. Then if they still tried to carry on their work they would find themselves in hopeless difficulties. Their own salaries would be stopped: so would the salaries of all the civil servants and of every one in the Army and Navy. They could not buy any goods: they could not print blue books or papers. The whole work of government would come to a standstill, and so it would remain until the Ministers had left their posts and made way for other men approved by Parliament. In practice, of course, matters are not pushed to this extreme. If Parliament votes against the Ministers on any important question they resign at once.

Here, then, is the real handle of Parliament over the departments and the Ministers at the head of them. We have seen that the central government has a great hold on local councils because it makes money grants to them every year. But grants in aid are only a small part of the yearly income of local bodies, whereas the money granted by Parliament to the Departments of State is practically their whole revenue. We can easily understand, therefore, why the departments cannot do as they please, but have to respect the wishes of Parliament.

It is worth while to dwell on this point a little longer, in order to realize fully why it is so important that Parliament should control the work of the government offices. We have seen in the case of the thirty-six hours' week what would happen if it had no such control. We have seen, too, in the case of various local bodies, that if they had not a similar control over their departments the officials would become the real

## PARLIAMENT AND DEPARTMENTS OF STATE 77

rulers, and that they might lose touch entirely with the needs and wishes of the public. Bureaucracy—the rule of officials—is bad for this very reason, that the people are quite at the mercy of their rulers. But our system of government is not a bureaucracy, it is a democracy—and it is democratic for the reason pointed out in the first chapter: the rulers of the people are representatives elected by the people themselves, and therefore disposed to do what the people wish. Now in our central government the representatives are the Members of Parliament. Therefore the control of Parliament over officials in the Departments of State is precisely what makes our government democratic. It means that the people, through their representatives, have a grip over those who are carrying on the work of government.

Ministers and officials are often called the executive part of the government, because they are the people who **Responsible** execute, or carry out, the law. And it is commonly **and Ir-** said with truth that no government can be really **responsible** satisfactory unless the executive is responsible **Executives** to Parliament—the body elected by the people. The word “responsible” implies that the officials have to answer to Parliament for their actions, that they have to do as Parliament desires. We shall not be far wrong if we speak of a government in which the executive is independent or irresponsible as a bureaucracy, and one in which it is responsible to Parliament as a democracy. The recent war has often been called a war of democracies against bureaucracies, and the reason is that in Britain, France, Italy, and the United States the Parliaments had control over officials, while in all the opposing countries the Emperors or Kings, together with the officials, were independent. Their Parliaments could give advice, but they had no control.

Our Parliament controls the departments, then, chiefly by its hold on the public purse. It is an indirect kind of control, **Safeguards** for Parliament will not refuse money unless the **against** Ministers do something very much against its **Bureaucracy** wishes. In matters of detail the only method is that of asking questions. Therefore the departments have, in

practice, a great deal of freedom, and some people think they have too much. It is often said that the Civil Service has gained in power during the last twenty years, and that our government is growing more like a bureaucracy. If that is true the remedy would be to give Parliament a closer control, and quite possibly there may soon be a change in that direction. During the war a committee consisting of Members of Parliament was formed to keep a watch on expenditure. That is the special business of the department known as the Treasury; but the expenditure of the Army and Navy, the Ministry of Munitions, and some other departments in war-time was so huge and so urgent that the Treasury could not possibly keep a check on it. And this committee was charged with the duty of finding out where there was waste and extravagance among the government offices and reporting it to Parliament. This committee may be made permanent. It may be that another committee will be appointed to deal with foreign affairs. If these committees seemed useful others would probably be set up to deal with different Departments of State, and in this way the control of Parliament over the government offices would grow more like that of a borough council over its departments.

Even so the two systems would not be quite similar. Chairmen of the borough committees—who correspond to Ministers in charge of departments—are chosen by the committees themselves. It would be a very great change to have Ministers elected by Parliament—a change which is not likely to come in the near future.

## CHAPTER IX

### LAW-MAKING : THE HOUSE OF COMMONS AND PARTY GOVERNMENT

**T**WO points of contrast between Parliament and the local councils were noticed in the last chapter. The first point was the control of local departments by committees and of central departments by Ministers : the second was the fact that local committees elect their own chairmen, while Ministers are chosen without any reference to Parliament.

Another difference between Parliament and the local councils lies in the nature of their business. Most of the council's time is taken up with discussing reports of **Importance** from their departments, that is, with controlling **Law-Making** the work of administration, or executive business ; whereas Parliament is mostly concerned with making laws. Local bodies do not need to make many laws ; their sphere of work is comparatively small, and a great many rules have been made for them in advance by Parliament. But Parliament, on the other hand, has to make laws of many different kinds for the whole country. It makes rules for its own business, and for the election of its Members, and these rules have to be altered fairly often as conditions and opinions change ; it gives grants of money, which often involve new taxes, and give rise to a great deal of difficulty and debate ; it makes regulations for local government ; passes laws to prevent or punish crime, and injuries of various kinds that fall short of crime ; laws to regulate business relations ; and countless measures dealing with the work of the departments—Education Acts, Insurance, Labour Exchange and Pension Acts, Factory Regulations and other laws to secure good conditions of labour,

Public Health Acts, Rules for the Army and Navy, and many others. Seeing that the discussion of a single one of these measures may take several weeks, we can readily understand why most of the time of Parliament is given up to law-making, and why the word used to describe Parliaments in general (corresponding to "executive" for Departments of State) is "legislature," which means a body that makes laws.

In this chapter we have to describe very briefly the way in which laws are designed, and the stages through which a Bill must pass before it becomes a full Act of Parliament. But before we deal with its work we must say something about Parliament itself, its Members and its organization.

Parliament consists, as every one knows, of two sections, the House of Commons and the House of Lords. As the Commons have more business to do and more **Membership** authority than the Lords we will deal with them first. They are a large body. Few local councils have more than a hundred members, but in the House of Commons there are seven hundred. Just as the borough is divided into wards and the county into electoral divisions, so the whole of the British Isles are marked out into "constituencies," each of which sends a Member, or in some cases two Members, to the House. Almost any citizen may become a Member for any constituency: clergymen of the Church of England and Members of the House of Lords are the only exceptions. Until a few years ago it was difficult for any who had not an independent income to sit in Parliament; for political duties leave very little time for earning a living. But now that every Member receives a salary of £400 a year no one can be excluded merely because he is poor. The method of election will be described in a later chapter.

The best way to learn about the House of Commons is to visit it while the Members are at work. Any of us may do so **Appearance of the House** if we can provide ourselves with a ticket signed by a Member; and most Members are very willing to supply tickets. When we have safely passed the policemen who guard the entrance gates we find ourselves in a large hall—St. Stephen's Hall—furnished with statues of statesmen whose names are familiar to us from our study of

history. We go upstairs, along narrow and winding passages, until in a small room we meet with an official who takes our tickets and invites us to sign our names in a visitors' book. Then we go straight into the Strangers' Gallery of the House. If we are famous persons we go to another gallery reserved for Distinguished Strangers, but neither of the writers of this book has yet had access to that part of the House. We are in a rectangular room—rather smaller than we expected. The leather seats on the ground floor reserved for Members will only accommodate three hundred and fifty in comfort, and during an important debate both the floor and the galleries are very crowded. Opposite to us, at the further end of the House, is the Ladies' Gallery. Until very recently ladies were not allowed to be seen in the House: therefore they had to watch the proceedings from the other side of a screen, known as the Grille. Now these old customs are all swept away, and women are admitted not only to the Strangers' Gallery, but even to membership of the House. In front of the Ladies' Gallery are seats reserved for reporters; and directly under the gallery there is a raised and canopied chair exactly resembling a throne.

The occupant of this chair, who is the Speaker of the House, is dressed rather like a judge, in a powdered wig and long robe. In front of him there is a long, narrow table, and on the table are laid some large boxes bound with metal, and a mace. The mace is carried in front of the Speaker when he enters or leaves the House, and is his symbol of office. On each side of the table and down the whole length of the House are numbered seats in several rows. The doors by which Members enter and leave the House are behind the Speaker's chair. At the head of the table are three officials in wigs and gowns, the Clerk of the Commons and his assistants. The Speaker is the President of the House, and is elected as a Member for some constituency. He has a great deal of authority: it rests with him, for example, to say in what detail a Bill shall be discussed, what questions asked by Members are "in order," whether a speech is relevant to the business in hand, and whether a Member is breaking the rules of the House. Parliament has always more work on hand

than it can comfortably finish in the time available, and any Member who wants to make himself troublesome to the Ministers can do so very effectively by simply wasting time—speaking at great length, proposing annoying amendments, and so on. Rules have been drawn up to prevent this “obstruction”; but it is very common and has become a fine art. It is the Speaker’s business to prevent undue obstruction, but it is no easy matter to know exactly when a Member is going beyond his rights. The Speaker has to put through the work of the House as fast as possible, and at the same time has to allow Members as much freedom as possible in discussing the affairs of the nation, and it is very important that he should keep them in a good humour. His position clearly needs unusual tact and judgment, a ready wit, and an intimate knowledge of parliamentary business.

A year’s work of Parliament, like that of a University, is known as a “session.” The session begins in February; **Work of a** there is a short break at Easter, and another at **Session** Whitsuntide; but the chief holiday is in the autumn. Each day’s meeting of the House during the session is called a “sitting.” As a rule the House only has full sittings on Monday, Tuesday, Wednesday, and Thursday, and a short sitting on Friday. We have just said that there is never enough time for all its business. Why, then, should there not be longer sittings on Fridays and short ones on Saturdays as well? The reason is that nearly all Members have a great deal of work to do outside the actual sittings. They are sure to have a huge correspondence with the electors in their constituencies; they often have to give public speeches, and to prepare speeches to be delivered in Parliament; many of them serve on committees. If the House were to meet oftener and sit longer they could not possibly keep pace with their work.

The House meets at a quarter to three in the afternoon. The sitting begins with the reading by the chaplain of a few prayers in very apt and beautiful language, composed in the seventeenth century by some unknown person. Then follows a little formal business, and at three o’clock comes the question time. We know already the use of questions :



they enable Parliament to keep in touch with the work of the government offices. Most of the questions are printed beforehand in the paper of agenda, or "orders of the day"; others may be asked on the spur of the moment, but Ministers are not bound to answer if they think it inadvisable to do so. Questions last for about three-quarters of an hour, and by four o'clock the House has settled down to the main business of the day—the discussion of Bills. This business goes on without a break until quite late at night—usually until eleven o'clock, or even later if there is an important debate to be finished. As a rule there is a lull between eight and nine-thirty when most Members are dining, but some business is being done all the time.

We have glanced at the general arrangements of the House. Now we may follow the fortunes of a Bill through **History of a Bill** its various stages. A Bill is a proposal brought before Parliament, either to make a new law or to alter an old one. Before it can become law—an Act of Parliament—it must be approved by both Houses of Parliament and by the King, and the document which contains the proposal must be stamped with the Great Seal. Until then it remains a Bill—a proposal; and in the meantime, between its first introduction to Parliament and its final passing, it may undergo great changes. It may, of course, be rejected altogether and never become law, or it may be altered in either House. Some Bills are brought first before the House of Lords, but the great majority begin their career in the Commons.

Every Bill is "in charge" of some Member who proposes its adoption and brings forward the chief arguments in favour of it. Any Member has the right to bring a Bill before the House, but all the more important measures are in charge of Ministers. Only a short time (mostly on Fridays) can be spared for private Members' Bills, so that many of them never pass at all, simply because they are crowded out by more urgent business. In addition to private Members' Bills there are so-called "private Bills" which deal with local affairs, giving leave for the construction of a new railway line or harbour, or for some new undertaking of a borough council.

However, most of the time of Parliament is devoted to "Government Bills" in charge of Ministers.

The first process in the history of a Bill is the writing it out in the form in which it is to appear before Parliament.

**Drafting** Sometimes this work is fairly easy; but in the case of a Bill which introduces important changes and is likely to lead to much debate, it is an exceedingly difficult and complicated task, which may continue for many months. The persons who decide what is to go into the Bill are the Minister in charge and the chief officials of his department: and, of course, other Ministers will be consulted from time to time. But these people do not, as a rule, write the Bill themselves. It is to become a law, and a law to be really effective must be very definite, its meaning must be made perfectly clear, as otherwise there may be a doubt as to what the law actually is. Long experience has shown how precise statements can best be made, and a "legal language" has grown up composed of words and phrases which will have a fixed and known meaning if they come to be used in the law courts. Yet, in spite of all the care that is given to the wording of Bills, their meaning is not always clear. When some one is brought before the judges and is charged with breaking a new law, the judges sometimes find it very difficult to decide whether he has done so or not, because they are not certain what the words of the law mean, and they may disagree with each other about the meaning. It is for this reason that Acts of Parliament are expressed in such careful, stiff, and often clumsy and long-winded language. Until we have grown used to the style they are not at all easy to understand. And if they are difficult to read they are still more difficult to write. Therefore not even experienced Ministers trust themselves to draw up the Bills: they hand over this duty to two specially trained officials, the Parliamentary Council, who have rooms in the Treasury, and spend all their time at this work.

When the Bill is nearly ready the Minister asks leave to bring it before the House, and leave is given as a matter of course. Then comes the "first reading." At one time the whole text of the measure was read out by the Clerk, but now, seeing that all Members can be provided with printed copies,

he only gives the title, and there is hardly ever any opposition to a Bill at this stage. The real struggle begins on a later day, appointed for the "second reading." The whole Bill is then discussed as fully as time will allow, and it is open to any Member to propose additions or amendments. A Minister can generally get a vote in favour of the second reading, but the Bill at this stage is often something very different from the neat document written by the official draftsmen. After the second reading the Bill is referred to a committee who examine it carefully, discussing groups of clauses together, or if they have time, taking each clause separately and making, in all probability, many more changes. A committee sometimes consists of thirty or forty Members; but the most important measures are discussed by a "committee of the whole House." When the House turns itself into a committee to examine a Bill, all that happens is that the Speaker and the Clerks withdraw—preceded by the mace—and a Member who is elected as Chairman of Committees presides, not from the Speaker's chair, but from the head of the table, where the Clerk usually sits. All Money Bills, that is, Bills for raising taxes or making grants to the departments, are discussed in a committee of the whole House.

The purpose of going into committee is to allow a freer discussion than is possible in a full debate. In a debate, for instance, each Member may only speak once, but in committee there is no such restriction.

When a committee has finished its work it "reports" to the House by returning the Bill in its revised form (often this amounts to the Members reporting to themselves). Then the Member in charge of the Bill has almost finished his labours—and often they are very heavy labours indeed. He is able to move that his Bill be read for the third time and last. If it has passed the second reading and the committee it will not be much altered at this stage. The third reading is only a finishing process, chiefly useful for making ambiguous phrases clearer. While the Bill has been passing through the House the draftsmen's careful sentences will have been very roughly handled, and a process of trimming down clumsy passages and improving the obscure is very necessary.

When a Bill has passed its third reading it is sent to the House of Lords ; but for the present we will not follow its career in that House.

Enough has been said to show what a number of stages a Bill has to pass through before it becomes a law, and how many opportunities of criticizing it the Members of Parliament have. The length of time taken by the process may seem unfortunate when reforms are urgently needed, but it has this advantage, that it gives time, not only for the Members of Parliament, but also for the people themselves to become acquainted with the proposals of the Bill, to talk it over among themselves, and in the case of injustice and grievances, to write to the Members of Parliament for whom they have voted and urge them to vote against the Bill—or for it as the case may be. Thus if the government have made a mistake in estimating the wishes of the people, time is given for a great outcry against a very unpopular Bill, and the government may think it wise to withdraw it, or at least to introduce some important changes during the second and third reading.

We have spoken of the passage of an ordinary Bill. Private Bills are dealt with in a rather different way. The **Private Bills** reasons for and against them are not known to most of the Members. Therefore they generally pass quickly to the committee stage, and are referred to a committee of only four Members. These Members hold an inquiry and hear evidence on both sides, acting as judges or arbitrators. Thus if the Bill is to allow a borough council to start a municipal milk supply, four Members who are neither citizens of the borough nor milkmen will be appointed as a committee. They will hear the arguments of the borough council probably stated by the town clerk, and perhaps a councillor who is interested in the question; and, on the other hand, they will listen to the objections of the local milkmen. Then they will decide whether the proposal is desirable or not, and will report accordingly to the House. Such an inquiry is expensive, and it is still more expensive to have a private Bill drawn up: for the draftsmen's fees are very high. Therefore, as we know, local bodies make

use as far as possible of provisional orders from the Central Government.<sup>1</sup>

Only one other fact about Bills in general need be mentioned here. They are never carried over from one session to another: each year's work is complete in itself. Therefore, if a Bill has not gone through all its stages before the end of a session, it is either withdrawn altogether or else brought in as a new measure in the next session.

At the end of a day's work, or before a short holiday, Parliament is "adjourned," and when the Members meet again after adjournment they take up the business at the point where they left it before the break. At the end of the session Parliament is "prorogued." The difference between adjournment and prorogation is that after a prorogation, as we have just seen, the work of the previous year is left behind, and Parliament begins afresh with a clean slate. After five sessions (or earlier if necessary) Parliament is "dissolved." The process of dissolution is carried out by a message from the King, announcing that the services of the Members are no longer needed. The Lords keep their membership for their lifetime, but for the time being the House of Commons has ceased to exist, because the dissolution means that all the Members have retired, and anyone who wants to return to Parliament must be chosen again by the electors. But directly after the dissolution preparations begin for a general election. The method of carrying out an election will be described in another chapter. There is never more than an interval of a few weeks between a dissolution and the first meeting of the new Parliament. One curious rule of the House of Commons is that no Member may retire of his own accord when once he has been elected. But from time to time Members want to retire; and they are able to circumvent the rule in this way. There is a regulation to the effect that any Member who becomes a Minister loses his seat in the House and must be re-elected if he wants to keep his membership. There is an old office called the Stewardship of the Chiltern Hundreds, which now carries

<sup>1</sup> See above, p. 71.

only the title without any duties. A Member who wishes to retire is given this position, and immediately loses his seat in the Commons. Then, as he does not seek re-election his seat is vacant, and it can be filled by some one else by means of a "by-election."

### PARTY GOVERNMENT

We will now turn our attention once more to the ground floor of the House of Commons, and notice that the rows of seats on each side are divided about half-way down the House by a narrow aisle or gangway. The gangway is a very important feature of the House, for all Members sitting between the gangway and the Speaker's chair belong to one of the two chief parties, those of the "Government," and the "Opposition," while most of those who regularly sit "below the gangway" belong to other groups or are independent of any party.

If we are present at question time, we shall observe that all the answers come from the front seat on the Speaker's **Ministers** right hand, above the gangway. This is the **and Cabinet** Treasury Bench, the long seat reserved for Ministers. The Ministers, then, sit all together, and the seats behind them are occupied by Members of one party.

We have said a good deal about the Ministers already : we know that most of them are the heads of Departments of State. A few others, the Lord President of the Council, and the Whips, of whom we shall have more to say later, have no department, but spend nearly all their time in managing the affairs of their party and arranging the details of business that is to be brought before Parliament. The Ministry as a whole is supposed to decide what this programme is to be. But all of them sitting together would make a very large and clumsy committee, and many of them are very busy with the work of their departments. Therefore about twenty of them are chosen by their leader, the Prime Minister, to act as a committee to deal with general questions of policy, to decide on the chief changes in the law which the Ministry proposes to make, and the order in which it

proposes to make them. This committee is known as the Cabinet. It is a remarkable body. It has never been mentioned in any Act of Parliament; it is not *officially* a part of government at all; it publishes no record of its proceedings, and it has no fixed place of meeting. Yet this informal body, which has no legal powers whatever, is practically the ruler of the country while its Members hold office as Ministers.

Here is a curious position. We are told that our government is a democracy; that the country is ruled by our representatives elected to Parliament in order to carry out our will, and to make such laws as we wish to have made. Yet we are faced with the fact that the real power of law-making rests with a small body of men, appointed by the King—not by the people or by Parliament—meeting in private, and without the consent of anyone but themselves. What is the explanation? Is our government not a democracy after all, but rather a bureaucracy? Or has the Cabinet less power than it seems to have?

The answer lies half-way between these two suggestions, and it may be given in a single phrase, the Party System. The Prime Minister is the leader of a party; his fellow-Ministers are its most prominent Members; the programme of Bills which they propose to carry through is a programme which is approved by the party, and as a rule is also approved by most of the electors in the country.

Cabinet rule, then, is really party rule. A Cabinet is a committee appointed to govern, not according to its own caprice, but according to a plan which, in general outline at any rate, has been made known in advance. The chief occasion for putting forward party programmes is, of course, a general election. At that time the leaders of each party communicate the details of their plans to their followers in every part of the country. Candidates in each division are usually interviewed by a committee representing the party to which they are attached; and before a candidate is officially adopted by a party the local committee take pains to assure themselves that his views agree fairly closely with those of the party leaders. A short time before the election

every candidate sends out a circular to the voters, his "election address," in which he states clearly what measures he will support if he is returned to Parliament. Every candidate puts forward an address on his own account, but the addresses of the party leaders are by far the most important, for they are regarded as an official statement of policy for the whole party. Thus the famous "Tamworth Manifesto," which became the classic statement of Conservative policy, was Sir Robert Peel's address to his constituents in the general election of 1835.

An election decides who shall rule the country during the next few years, for it results in the return of a majority of Members of some particular party, and it is from that party that the Ministers must be chosen, since only a Ministry that commands a majority in the House of Commons can carry through its programme. Therefore the leader of the successful party becomes the Prime Minister (if he is not already in office), and he chooses his colleagues, or nearly all of them, from among his supporters in Parliament. A select body of about twenty, as we have seen, will form the Cabinet. This Cabinet will probably be for some years the mainspring of government, but its Members are always bound to keep reasonably close to the programme outlined at the general election; for if they fail to carry out their promises they may lose their support both in Parliament and in the country, and the next election may put an end to their rule.

Just as elections, the formation of Cabinets, and the work of Ministers are arranged on party lines, so also is the whole procedure of Parliament: most of the questions come "across the floor" from one party to another; the chief Bills are nearly always party measures, so that one side of the House of Commons is generally supporting and the other side opposing them. It is the same with the system of politics all over the country: a great proportion of the voters are more or less attached to a party, and in an election they vote for the candidate put forward by their party. In each constituency the party committee which chooses a candidate, helps him during the election, keeps him in touch with the voters, and



usually troubles him with a great deal of correspondence. The committee collects money for its party, and each party has a central fund which is used to pay for elections, pamphlets, meetings, and many other activities. There are headquarter staffs in London, and the chief of each staff is a Member of Parliament known as the Chief Whip.<sup>1</sup> He is helped by three or four other Members, the Junior Whips.

The Whip has great responsibilities. He has a large share in arranging the order in which business shall come before **Party** Parliament. He must keep in touch with party **Whips** committees all over the country. And in Parliament it is his duty to see that the Members of his party attend regularly and are in their places to vote whenever a division is expected. In other words, he must keep a majority on the side of the Ministry ; or if his party is in opposition, he must raise as large a vote as possible against the Ministry and must do his utmost to defeat them. When Parliament has been sitting for three or four years, Members are apt to lose interest and to grow slack in their attendance. Thus the Ministry nearly always loses some part of its majority, and there is often a chance that it may be defeated in some particular division. At such a time the Whips have to work exceptionally hard, and so it happens that their difficulties tend to increase as the life of any government goes forward.

Most of us have lived all our lives under the party system, and we have all grown so used to it that we hardly realize **Defects of** what a strange system it is. Anyone planning **the Party** a new government would try to arrange that the **System** business should be carried through as smoothly as possible. He would want as much as possible of the law-making to be done by general agreement ; and if there were a difference of opinion on a particular measure he would try to provide means of reaching a compromise which would be

<sup>1</sup> The name was originally "Whipper In." It implied that the duty of the Whip was to keep the pack—the Members of a party—together and under control, and, in particular, to make them attend in order to vote. The name was first used in the eighteenth century. At that time most of the Members were country gentlemen, interested in open-air sports, who would appreciate a term borrowed from the hunting field.

accepted by men of all shades of opinion. For Members of Parliament and Ministers, he would desire able, experienced, and moderate men, who could be relied upon to do what the people wanted without unduly thrusting forward their own views, and at the same time thoughtful and purposeful, so that they would not be mere pliant instruments. But, instead, our rulers, though in general they are talented men, are chosen because they are firm supporters of some party, and most of them, unless they were strong partisans, would have little chance of rising to a high position. By means of the party system the business of Parliament is done, not as smoothly as possible, but with a vast amount of disputing. As Mr. Balfour has said, "our whole political organization is arranged in order that we may quarrel."

But that is not all. Party politics not only cause constant disputes; which cause constant delays as well, because the opposition is always trying to hamper the efforts of the Ministry. If it were not for disputes and obstructions, Parliament might do much more business and might carry through more reforms.

Further, when a Member has entered Parliament as a supporter of some party, he is almost compelled, both by his electors and by the Whips, to vote regularly for the measures put forward by his own party, and against the proposals of the other side. This discipline is carried so far that Members often miss a discussion and only come into the House when the bell rings for a division. They are told by the Whips whether they are to vote as "Ayes" or "Noes," and, having voted, they return to the smoking room or the terrace. Thus the voting is often quite automatic, and is not based at all on the Member's own judgment. Indeed, many people hold that it is the business of a Member not to follow his own convictions, but simply to express the views of his party. Such people say that every Member has received absolute orders—or an "imperative mandate"—from his electors to vote on all questions as they wish him to vote, that is, according to the programme of their party. But few serious political thinkers will go to such a length. It is generally held that the electors have chosen a candidate because they think him qualified to

take part in the work of law-making ; and although they have chosen him in part because of his opinions, he is not bound to do exactly what his Whips or his local party tell him, but is free to speak and to vote according to his own conscience. That is the theory ; and most people will agree that a Member of Parliament ought to be allowed to act according to his own convictions. In practice, however, except when a Ministry is losing its power over the House, Members rarely vote against the proposals of their own party. If a Member does so persistently, or goes to the length of "ratting," or changing sides definitely, his local committee is sure to demand his resignation.

The party system not only hinders the judgment of Parliament ; it has a similar effect on nearly all the citizens. And this evil is greatly increased by the fact that most newspapers are attached to a party, so that instead of reading day by day careful discussions of public affairs, aiming solely at truth and justice, we generally read half-truths and special pleadings. The writers would often prefer to write impartially, but they are servants of a party and must support its claims, just as a barrister must plead on behalf of his client.<sup>1</sup> Why then, if party government is attended with all these evils, is it allowed to continue for a single year ?

The chief reason is that public opinion is actually divided into several main sections, supporting different programmes of reform, so that the party organizations really reflect the feeling in the country. It is often said that the Liberal mind is in favour of progress and the Conservative mind opposed to progress. But that is not true. Both parties believe in reform, both believe in liberty. During the past century Conservative governments have passed many measures of reform which have been opposed by Liberals, and Liberals have passed many good measures which have been opposed by Conservatives. It would be nearer the truth to say that the parties differ on particular questions in rather a freakish and haphazard way, so that it is impossible to foresee at any time what the exact programme for

<sup>1</sup> The party system should be compared with the system of trial by jury described in Chapter XII.

any party will be a few years later. It is also true that the parties represent different *interests*. For example, in the first half of the nineteenth century, merchants as a whole were Whigs and believed in freedom of trade, while landowners as a whole were Tories and believed in protection. At the present time, although there are many exceptions to this rule, chapel-goers tend to be Liberals and church-goers tend to be Conservatives.

Public opinion reached this state of division into two great parties by a long process which we can follow in studying history. But as we are concerned here with present-day politics, we must not stop to inquire how the party system grew up. We must simply accept the fact that it does meet the desires of most people. A very large proportion of those who are interested in politics are satisfied to belong to a party and to support its programme. One reason is the hero-worship of party leaders. A successful statesman with a forceful personality has unbounded influence over certain types of mind, and many people gladly accept a programme because it is the programme of a Gladstone or a Disraeli, and for no other reason. Again, the very contentions in Parliament, the newspapers, and public meetings, and the excitement of elections appeal to our sporting instincts. Party politics are an enjoyment and a hobby comparable to football and steeplechasing. And in the third place, the acceptance of a party programme saves trouble. To form a private and independent opinion on every public question implies much study and sustained thought. To minds that have not been schooled to reflection, study and thought are apt to be irksome. Therefore countless citizens take their opinions ready-made from their party leaders, only learning slowly and imperfectly from newspapers and speeches the arguments in favour of their views, and never appreciating at all the arguments on the other side or making any serious effort to reach the truth of the matter.

These reasons may help to explain, but they do not justify, the party system. Is there anything to be said in its favour? There certainly is. Parties have been organized on something like their present lines for more than two hundred years, and during that time there has been steady progress. In the last

century especially Parliament has carried through a wonderful series of reforms. Therefore if the opposition has delayed the business the delay has not been very serious. In one way, indeed, it has been an advantage. Seeing that the opposition are always ready to find fault with the proposals of the Ministry, every proposal is well discussed and criticized before it can become law ; and, as a matter of fact, Ministers are very often willing to accept suggestions from their opponents.

This fact may remind us of a point which has been mentioned already. Although the parties oppose each other so hotly there is often very little difference between them. In practice the difference is reduced by several circumstances. One is that each party in Parliament contains many moderate members who would not support the Ministers if they proposed anything rash. The Ministers themselves are commonly moderate men. Therefore no government ever tries to pass such an extreme party programme as its most advanced supporters would like to carry through. We can see here a useful check on the power of the Ministers—a safeguard against bureaucracy. It is true that a Ministry can generally keep a majority for several years, but it can only do so by respecting the feelings of its more moderate followers, who would be driven into opposition by a headstrong policy. Therefore, notwithstanding that ministers are chosen independently of Parliament, and by means of party discipline have so much power over the House of Commons, there is really a strict limit to their power. But, above all, there is the great check of the general election. However strong a party may be in the House of Commons the House must dissolve at the end of five years, if not sooner. Then the electors have the chance of deciding whether that party shall go back with a majority, or whether the opposite party shall come into office. Even a popular Minister with a great majority cannot afford to go against the wishes of the electors. Mr. Gladstone, for all his wonderful influence upon the public mind, divided his party and lost a general election because he adopted the policy of Home Rule. Twenty years later a Conservative Government was badly defeated because it had accepted Mr. Chamberlain's scheme of Tariff Reform, a scheme of which

a great majority of the electors at that time disapproved. The risk is greater since the two chief parties are always fairly evenly matched.<sup>1</sup> Indeed, the whole system would be in danger of breaking down if one party were to keep a large majority and remain in power for a very long time. The fact is that each party, in order to secure votes, adopts a programme which will please a large proportion of the people. Thus the balance is well maintained, and a small mistake or a small success may decide the issue of any general election. Therefore every party leader must carefully watch the trend of public opinion, and follow a course which will be favoured by the people.

After all, then, the "bureaucracy" of the Cabinet Ministers is not so serious as it seemed at a first glance; and the party system, for all its defects, does keep Parliament in touch with the people, and consequently fairly democratic. If Ministers and Members of Parliament were chosen, not on party lines, but for their own individual merits, the actual laws made by them would probably be nearly the same as the laws passed by party governments.

All the standard treatises mentioned at the end of Chapter XX deal fully with the work of Parliament. Sir C. P. ILBERT'S *Parliament* is an authoritative and very interesting little book, which covers the scope of this chapter and the next. Party government is well treated in LOWELL'S *Government of England*, and Low's *Government of England*. The question of groups and coalitions, as distinct from parties, is treated below, in Chapter XVI.

<sup>1</sup> The general election of 1918 appears at a first glance to be a very striking exception, for the Coalition secured about three-quarters of the seats. But the actual votes cast for and against the government give a different impression. The totals were roughly 6,200,000 for, and 5,200,000 against; so that (although some allowance must be made for the election of candidates without opposition, and therefore without voting) the division of parties in the country was much more even than the division of parties in the House.

## CHAPTER X

### LORDS, COUNCIL, AND KING

**W**HEN a Bill has been read a third time in the House of Commons, it is sent—to use the language of the House—to “another place.” The other place is the House of Lords, a room built exactly in line with the House of Commons, on the opposite side of St. Stephen's Hall, and so arranged that the Speaker can see from his chair **Last Stages of a Bill** across the hall to the throne in the House of Lords, which is occupied by the King when he attends to open Parliament. The House of Lords is often called the “Upper House,” because until very recently it had power to confirm or to undo the decisions of the Commons: it had the last word in the making of laws. In 1911 it was shorn of a great part of its power, but still all Bills from the House of Commons have to go forward to be considered by the Lords. The procedure of the Upper House is very much like the procedure of the Commons. The business consists of questions followed by discussion of Bills. Every Ministry contains several Members of the House of Lords, who answer questions on behalf of the government. The debates are rather less formal, but, as in the Commons, every Bill has to pass three readings. At any stage it can be amended or rejected altogether, and if any amendments are made the Bill has to go back to the Commons for a fresh consideration. Although there are some important exceptions, which will be explained later, it is a general rule that every clause in a Bill has to be approved by both Houses of Parliament. This process of law-making by means of six readings and two committee stages may seem tedious and clumsy. And in practice several weeks or months may elapse between the first

reading in the Commons and the last reading in the Lords. On the other hand, we should remember that the first reading is only a formality, and the third reading generally takes very little time. The delay is caused by debates on the second reading and in committee, or by waiting for more urgent business. But in an emergency, when a law has to be made as fast as possible, a Bill can take precedence of all other business, and if there is little or no opposition it can quite easily pass through both Houses within two days.

When a Bill has been read for the third time in the House of Lords, its career is nearly done. The finishing process takes place when the Bill is approved by the King and sealed with the Great Seal which is kept by the Lord Chancellor. And in order that a Bill may be put into force as a law an order to that effect has sometimes to be published by the Privy Council.<sup>1</sup> Thus, after passing the Commons, a Bill may encounter three other branches of the central government, the House of Lords, the Privy Council, and the King. To complete our survey of the government of Great Britain we must say something about these three authorities.

The present is a particularly unfavourable time for writing about the House of Lords, because the House is waiting to be **Revision of Bills** reformed, and during the next few years there will probably be great changes, perhaps in its work, and certainly in its membership. Three duties, however, are likely to remain with the Lords. In the first place, as we have seen, they revise every Bill that comes forward from the House of Commons, and they have power to suggest alterations or to reject the Bill *in toto*. But, as we have also seen, there are strict limits to their power of dealing with Bills from the Commons. In the Parliament Act of 1911, which is still in force, it was laid down that the Lords were not to interfere with any Bills relating to money and taxes; and further, that a Bill of any kind could in effect only be rejected twice by the Lords. That is, the Lords may refuse to pass a

<sup>1</sup> To take a recent example, the Military Service Act of 1918 applied conscription to the whole of the United Kingdom; but it was provided that the Act should not be enforced in Ireland until the Council should order its enforcement.



Bill sent up by the Commons; and if in the next session it is sent up again they may reject it again. Then the Bill must wait until the third session. But if the House of Commons persists in its intention and sends up the Bill once again in the third session, the Lords can delay its passing no longer; for then, whether the Lords agree to it or not, the Bill can be taken straight to the King, and when his signature and the Great Seal have been added, the Bill becomes a law. This, then, is the effect of the Parliament Act. Any Parliament can sit for five years. Therefore any Bill introduced in the first, second, or third session can pass the House of Commons three times before Parliament is dissolved. Consequently, however strongly the Lords may object, a Ministry that has a safe majority in the House of Commons can be sure that all the measures passed in the first three sessions will become law. All that the Lords can do is to delay a measure for two years in order that it may be more fully discussed in Parliament and in the country.

Before the passing of the Parliament Act, the House of Lords, in theory, could go on rejecting a Bill without limit, as often as the Commons chose to send it forward. But in practice they never did so. There was a custom that Parliament should dissolve if the Lords persisted in throwing out an important Bill. In the general election which followed, the main question before the country was, of course, that of the Bill which had been rejected; and if the party which supported the Bill was returned with a majority after the election, that fact was taken as a sign that the voters were in favour of the Bill. Then, in deference to public opinion, the Lords allowed the Bill to pass. Thus, in the long run, a measure which was really desired by the people could become law in spite of the House of Lords; but only in the long run, and only after a general election. In technical language the Lords had power to "force an election." The Parliament Act deprived them of that power.

As regards Money Bills, it had been the custom for a very long time that the Lords should leave them alone and accept all the financial proposals of the Commons without comment. However, in 1909, they rejected a Money Bill to which many

of them were very strongly opposed. The result was a great dispute between the two Houses, and in the end the House of Lords was beaten. The custom in regard to Money Bills was made a definite law, and at the same time the power to force elections was taken away. The House of Commons is now quite definitely the more important section of Parliament. Nevertheless, the Lords have still the right to revise all Bills except Money Bills, and it is not at all likely that they will ever lose that right. Indeed, they may soon regain some of their lost authority, especially if the plan is adopted of choosing Peers by popular election.<sup>1</sup>

Besides dealing with proposals passed by the House of Commons, the Lords have power to initiate Bills, that is, to propose measures on their own account. If a **New Bills** Bill passes first through the Upper House it is sent to the Commons for revision. However, the great majority of Bills are first considered in the Lower House, so that the ordinary work of the Lords is to revise Bills. In fact the House of Lords is often described as a *second* chamber, or a revising chamber, because it generally takes its business at second hand.

The third function of the Lords is to act as a law court, the highest court in the land. But, as we are dealing with **Court of** law-making, rather than the administration of law, **Appeal** we will leave this duty for the present and return to it later when we are examining the whole system of justice.

Although the work of the Lords may not change very much within the next few years its membership is likely to be altered out of all recognition. At present **Membership** there are about six hundred Members—there is no fixed limit to the number—and most of them are Members because they are the heads of noble families. Anyone who has a seat in the House of Lords is known as a *Peer*. Now the word peer means an *equal*, and the original idea which prompted this use of the term was that the Lords, as members of the aristocracy, were a class apart, more or less equal

<sup>1</sup> In several countries where there are "second chambers," corresponding to the House of Lords, and those bodies are elected, it is found that they have in practice a great deal of influence.

among themselves, but superior to the Commoners, the representatives of the common people. Just as titles of nobility run in families, so seats in the House of Lords pass from father to son. But not every noble is a Peer. Sons of dukes, marquises, and earls have titles, yet they are not Peers. As far as Parliament is concerned they still rank as Commoners until they succeed to their fathers' titles. Consequently, while the fathers are alive, the sons can still be elected as Members of the House of Commons, and as a matter of fact there are always several noblemen in the Lower House. Further, most Scottish and Irish nobles are not Peers; but the Scottish nobles elect twenty-five, and the Irish twenty-eight, of their number to represent them in the House of Lords.

Besides the hereditary Peers—the nobles who inherit their seats from their ancestors—the House contains two archbishops, and twenty-four bishops, and a small number of lawyers. The churchmen and lawyers are known as life-Peers. They are themselves Members for life, their right of membership dies with them and is not passed on to their heirs.

At a first glance it is curious to find a few clergymen sitting among the Lords. But the fact is that they were there from the beginning, and originally in much larger numbers. During the Middle Ages, indeed, the position was rather at times that nobles were sitting among the clergy. The reason was that churchmen were, as a rule, much better educated than laymen, and therefore much better fitted to govern. In consequence, all over Europe kings and princes made great use of the clergy as Ministers and advisers. Not only bishops, but also abbots—the heads of the larger monasteries—were invited to attend Parliament, and in some countries the churchmen had a House of Parliament to themselves.

The lawyers in the Upper House, on the other hand, are quite a recent institution. It is less than fifty years since the first law lords, or Lords of Appeal, to give them their official title, were appointed. There are always four of them, who hold office for life. They are chosen by the King from among the leading judges. They take whatever

part they like—often a prominent part—in the ordinary business of the House, but their special work is to hear legal cases ; and in this work they are helped by the Lord Chancellor and former Chancellors, of whose office we must speak next.

Ever since the Middle Ages the Chairman of the House of Lords has been the chief lawyer in the land. He is dressed, **Lord** like the Speaker, in a full wig and gown, and his **Chancellor** seat in the House is known as the Woolsack. At one time the Chancellor was the King's chief adviser and secretary, and practically the head of the government. His authority was gradually weakened, but still as a relic of this ancient power, the Chancellor keeps a strange variety of duties and offices. Besides acting as Chairman of the House of Lords, he is the head of a Department of State, which looks after the property of orphan children and lunatics, orders elections and meetings of Parliament, and does other formal business. He presides over an important court of law ; he appoints nearly all his fellow-judges, nearly all magistrates and barristers, and he chooses many of the parish clergy of the Church of England. He is also a Member of the Cabinet, consequently he belongs to a political party, and only holds his position as long as his party is in power. But when the Ministry resigns he still keeps his seat in the House of Lords. Consequently there are always a number of ex-Chancellors in the House, and they are often very useful and active Members.

In studying the local bodies we asked ourselves the question why there should be a separate council for the parish, the district, and the county ; and we found that there were good reasons for the existence of each kind of council. Can we say the same of the House of Lords ? No local body is divided into two Houses : aldermen, for example, do not meet by themselves apart from the councillors. Why, then, should Parliament meet in two sections ?

One answer to these questions is the answer of history. Parliament had its origin in the councils of heads of **Origin of** families which used to advise the chieftains of **the House** the Anglo-Saxon clans. When the chieftain had become a king and the leading clansmen had developed

into feudal nobles, the council still met, and was generally known as the Great Council. It was attended, as we have seen, by a few nobles and a large number of clergy. For a long while the kings only invited particular persons to attend meetings of the Council; but gradually the principle was established that any bishop or abbot, or the head of any noble family, might and ought to attend. Thus the Great Council became something not unlike the modern House of Lords. The House of Commons was an afterthought. It was not until almost the year 1300 that Commoners began to be regularly admitted to the Great Council. Therefore the House of Lords is really the original part of Parliament.

But this is hardly a sufficient answer. It may account for the presence of Peers in Parliament yet it does not explain why they meet in a separate House. There is an historical answer to this difficulty too. In the later Middle Ages there was a strong tendency for the Council to split up into sections. The kings encouraged the tendency because they preferred to deal with separate groups of their subjects rather than with a single body which might be too strong for them. At various times it seemed as if there might be not only a House of Nobles and a House of Commoners, but also separate Houses for the clergy, merchants, and even lawyers. In France there was actually an assembly of lawyers which became an entirely independent body, and at length became a hereditary body, like our House of Lords. The remarkable fact, then, is not that Parliament has more than one section, but that it has only two Houses instead of four or five.

However, our question is not quite fully answered. Two Houses, or more than two, might be useful in earlier times, but are they needed to-day? Often in history

**Use of a**      but are they needed to-day? Often in history  
**Second**      institutions have served their turn and have been  
**Chamber**      abandoned when they were no longer needed. Is  
not the House of Lords one of them? Many people think  
it is: they would prefer to be ruled by a single chamber, such  
as the House of Commons, which is elected entirely by the  
people. To their minds the chief function of the second cham-

ber is to prevent reforms from being carried through ; and no one who has even a slight knowledge of modern history will deny that the Lords have time after time obstructed very desirable reforms. Nevertheless nearly every country in the world has a second chamber of some kind. Even the nations which have adopted entirely new systems of government in quite recent times—France, the United States, Germany, Italy, and our own Colonies, for example—have divided their Parliaments into two Houses.

The chief reasons are easily given, and they explain why our House of Lords remains in spite of its defects, and in spite of the growing power of the Commons and the growing sense of democracy.

Every Bill, as we have seen, has to be read three times and discussed in committee before it can be passed by the House of Commons. We might suppose that such a full discussion must take away all possibility of the passing of ill-judged and hasty measures. But we should remember that most Bills are party Bills. They are brought in by a Cabinet which has a majority in the House. As long as the Cabinet keeps its majority it can practically dictate the measures which the House of Commons shall pass. Party feeling and party discipline are so strong that many supporters of the Ministry will vote for its proposals even against their own judgment and inclination. Moreover, the discussion of Bills is not so adequate as it used to be. Because of the growing pressure of business, debates are often cut short by means of a closure or " guillotine "—a resolution to take a vote at once without further discussion. And in committee, when each clause of a Bill is supposed to be dealt with separately, it is a frequent practice to take a number of clauses together ; so that some sections of a Bill may pass through the Commons almost unnoticed.

Therefore discussion by another set of people may be, and often is, really useful. But it would not be of much use if the Lords were elected at the same time as the House of Commons and on party lines, for the Upper House would then be controlled by the Cabinet, and would do little more than echo the opinions of the House of Commons. There are good reasons

for holding that the revising chamber should be as independent as possible. And the Lords certainly are independent. They are Members of Parliament for life. No voter can unseat them at the next election if they go against a party programme. The Cabinet has no means of taking them to task if they refuse to obey its orders. The independence of the Peers is a very good feature of our constitution. The Lords sometimes voice the wishes of the people more truly than the Cabinet does ; and not seldom they have shown themselves more enlightened than the House of Commons. For example, they recently made some important improvements in Mr. Fisher's Bill which became the Education Act of 1918.

There are, it is true, a number of " backwoods " Peers, who take little interest in politics, who seldom appear in Westminster, and only come as a rule in order to vote against reforms. But on the other hand, some of the most active Peers are very good politicians. Some may be law lords ; others have had distinguished careers in the Commons, and in middle life or in their old age have been promoted to the Upper House. Many have been Ministers. Among them are some of the most able and thoughtful statesmen in the country. So that there is a great deal to be said for the existence of the House of Lords. Besides revising Bills from the Commons and proposing Bills on its own account, it is a storehouse of experience and wisdom and independent thought. And it has a further use. In every Ministry there are several Peers who are chosen because they are the most suitable men to hold office. They are especially useful because they cannot be turned out of Parliament, and can devote themselves entirely to the work of their departments without being troubled by the wishes and vagaries of electors. In this way the House of Lords serves as a valuable source for the supply of Ministers.

We have just mentioned the " backwoods " Peers. It is they who have chiefly injured the fame of the House of Lords.

**Reform of the House** By voting consistently against reforms they have justified the complaint that the Lords obstruct progress, and have supplied a strong argument in favour of those who desire a single chamber. Few people now wish to see them in the House ; nearly every one would be glad to see

more active and progressive men in their places. Consequently in the last few years there has been much talk of reforming the House, and recently a Royal Commission has made a report on the subject. The Lords themselves are anxious for a change ; and in the Parliament Act of 1911 it was plainly stated that the two alterations made by the Act were only preliminaries, intended to lead on to a general measure of reform. No one can say with any certainty what the reform will be. There may still be a number of hereditary Peers elected, like the Scottish and Irish Peers, by their fellows. The Members may be appointed for life or for a long term of years, perhaps ten or twelve. In any case they are not likely to be chosen afresh at each general election : if they were they would lose the independence which, as we have seen, is one of the best features of the House. It has been suggested that some Peers might be elected by churches, universities, learned societies, chambers of commerce, and other important bodies. And a further suggestion is that if the two Houses should disagree on some important point they should elect a joint committee of Peers and Commoners in order to come to an understanding.

### THE PRIVY COUNCIL

The Privy Council is the last governing body with which we have to deal. If the House of Lords is now less important than the House of Commons, the Privy Council is less important still. Nevertheless it was once a very powerful committee, and employment may yet be found for it which will restore something of its ancient fame. In the Middle Ages, when the clergy and nobles formed the Great Council, there was an inner body, an executive committee, which came to be called the Privy Council. It consisted of the King's personal friends and his chief Ministers. Kings in the Middle Ages had a practice of turning their own servants—secretaries, stewards, and chamberlains—into Ministers, so that the Ministers were not so much public servants as the King's assistants. In the time of the Tudors, the Kings, or Queens, themselves were very powerful, and



they gave their Ministers great authority. Consequently the Council, which was practically a committee of Ministers, was a very important body, much more active than Parliament. But a great change came in the seventeenth century. As a result of the long struggle between King and Parliament, the rule was established that Parliament alone should have the right of raising money, and further, that it should say how the money was to be spent. Now the Ministers were the people who spent most of the public money, in the work of their departments. Therefore, in controlling the expenditure, Parliament was really gaining control over the work of Ministers and over the Privy Council, which was still the Ministers' executive committee. We have noticed already that its hold over the supply of money is still the real lever which gives Parliament control over the Departments of State. We see now that this system began towards the end of the seventeenth century, and that it meant the end of government by means of the Privy Council. But yet some relics of the old system survived, and survive at the present day. Ministers, as we have seen, had always been the King's servants. Consequently he appointed them, and even now the Ministers are appointed by the King. Again, each Minister made his reports on the work of his department to the Privy Council, and the Council chose committees to supervise the various departments. We know that there are still committees of this kind (though some of them never meet), such as the War Council, the Admiralty, the Board of Trade, the Board of Education, and the Local Government Board. And it is a curious fact that these boards are still *nominally* committees of the Privy Council, or at any rate are sprung from such committees.

But these are only survivals. Actually, of course, the Departments of State are controlled by Parliament, and the Ministers are chosen by the Prime Minister. It is true the King appoints the Prime Minister. But he no longer selects one of his personal friends, after the fashion of the Plantagenet and Tudor and Stuart Kings. He must necessarily appoint the leader, or one of the leaders, of a particular party; otherwise the Minister could not secure a following in the House of Commons. And as for the other Ministers, they are almost

always men who have made their mark as Members of Parliament. Occasionally some one is made a Minister who is not already a Member (for there is no rule that Ministers must sit in Parliament); but in that case, as soon as ever there is a vacant seat, he takes the opportunity to get himself elected.

We will return once more to the end of the seventeenth century, in order to notice one other important result of the **Council and** collapse of the Privy Council. It was just at this **Cabinet** time that Parliament was becoming divided into two great parties of Whigs and Tories. As long as Ministers were responsible to the Council and the King, the opinion of Parliament did not greatly matter to them unless, indeed, Parliament was strong enough to force the King to dismiss them. But when Ministers came under the direct control of Parliament the position was very different. Ministers had then to do what the majority in Parliament desired; and it was soon found by experience that they could not work with a House of Commons which was hostile to them. Therefore, by the year 1700, it had already become the custom for the King to choose all his Ministers from one party, namely, that which had a majority in the House of Commons.

This new custom had a very striking result. Seeing that members of the Privy Council were appointed for life, and that the Council contained men of different parties, it could no longer be a committee of Ministers. Consequently the Ministers formed a separate committee of their own—a party concern, which came to be known as the Cabinet. And we may describe the effect of Parliamentary government on the Ministers by saying that it led to a change from Council to Cabinet rule.

Thus, in glancing over the history of the Privy Council, we have seen incidentally why Ministers are appointed by the King rather than by Parliament, what was the origin of the Departments of State, and how the Cabinet began.

One fact emerges plainly from this history—that the Council has lost most of its power. Its business is now **Present** chiefly of a formal kind, and has so little importance in the work of government that we need **Duties** not stop to consider it further.

Although, as a rule, only four or five persons attend the meetings, the Council is actually a large body. At present there are about three hundred members. They include all Cabinet Ministers, and all who have been Cabinet Ministers, the Archbishops of Canterbury and York, and the Bishop of London, the chief judges, many prominent statesmen, both from the home countries and the Colonies, and many private individuals who are distinguished in any walk of life. As most of these members do not attend the meetings, their appointment is purely a mark of honour. In fact, membership of the Council has become very much like membership of the Order of the Bath or of the British Empire. All Privy Councillors have the title "Right Honourable"; and in the Houses of Parliament there is a curious custom that whereas ordinary Members have to address the House from their own places, a Privy Councillor can speak at the table in the centre. But these courtesy titles and formal duties are all that is left of the ancient glory of the Council.

## THE CROWN

When a Bill has passed through both Houses of Parliament it is ready to become a law. The last stage in the manufacture of a law is the announcement of the King's approval. It is usually carried out in the following way. The King waits until several Bills, perhaps half a dozen, have passed through Parliament; then he appoints a "Commission," consisting of three or four Peers, to signify the Royal assent. A meeting is then held in the House of Lords, attended by the Commission, who come to represent the King, and by the Speaker, and any other Commoners who care to be present. The titles of the Bills in question are read out by an official, and after the reading of each title the Clerk of the House of Lords<sup>1</sup> repeats a formula to the effect that the King agrees to the Bill. When this ceremony is done, and the Great

<sup>1</sup> His proper title is Clerk of the Parliaments, but he actually sits in the House of Lords.

Seal of the Crown has been affixed, each of the Bills named has become an Act, or statute. It is part of the law of the land, and anyone who fails to observe it can be suitably dealt with in the law courts. It is printed at the end of each session in a book containing the text of all the Acts passed during the session. As each Act forms a chapter in the volume, it is officially referred to as a certain chapter in the statutes for a certain session, and sessions are numbered not in the ordinary way by the years of the Christian Era, but by the year in the reign of a king or queen. Thus the Representation of the People Act of 1918 is officially 7 and 8<sup>1</sup> George V, c. 64, and the Reform Act of 1832 is 2 and 3 William IV, c. 45.

The statute is commonly called an Act of Parliament, and we have said that Parliament makes the laws. Nevertheless the King, too, has a hand in making the laws, for until he has given his consent the Bill remains simply a Bill, and no court has any power to carry it into force. In other words, the King's assent is necessary to the making of any law. Now we have seen that the very essence of democracy lies in the people, or their elected representatives, making laws for themselves. Does it not seem very undemocratic, then, that when a measure has been carefully discussed in Parliament, and the Members have come to a decision, the proposal should have to be submitted to one man, even though that man be the King, and that his consent should have to be given before the measure can have any force? If the King were in the habit of refusing to make laws his action would certainly be undemocratic. But in practice he does not refuse. His assent is given as a matter of course. Since the reign of Anne no sovereign has ever vetoed a Bill. The process of giving the King's assent is only a survival. In the Middle Ages laws were actually made by the King, and Parliament was only used

<sup>1</sup> Two years are mentioned because the King came to the throne in May, so that the seventh year of his reign ended in May 1917, and the Parliamentary session of 1917 was partly in the seventh year and partly in the eighth. Although the royal assent was given in February 1918, this Act really belongs to the session of 1917, which lasted into the New Year.

by him as a convenient means of raising taxes. But Parliament fell into the habit of making various claims in return for the taxes, and these claims were sent to the King in the form of petitions asking him to make some change in the laws. In the fifteenth century a new idea was adopted. Instead of sending up a general, and perhaps rather vague request, Parliament began to write out its proposals in detail and to ask the King to agree to them as they stood. But still the proposal was only a petition: it was the King who made the law.

In the great struggle against the Stuart Kings in the seventeenth century, Parliament emerged as the real ruler of the country, and it was recognized that if the King tried to oppose the will of Parliament he would only cause trouble, and his opposition would be very unlikely to succeed. Therefore the sovereigns soon abandoned their old habit of refusing to sign bills, and for the last two hundred years it has always been recognized that the King would agree to anything which was passed by Parliament. Therefore Parliament is, after all, the real maker of laws, and the phrase "an Act of Parliament" expresses the truth.

This method of turning a Bill into a statute is quite characteristic of our method of government. In appearance the King still decides, as he did in the Middle Ages, what is to be the law: by *custom* and in fact, without any change in outward form or in the letter of the law, the whole decision is left to Parliament. And the custom is just as useful in practice as a law.

Besides the Royal assent to Parliamentary Bills there is another interesting relic of the King's ancient power. We still refer to our kings and queens as "sovereigns." Now, strictly speaking, a "sovereign" is an authority which makes and enforces laws. The word need not refer to one person. For example, at the time of the French Revolution, when democracy was constantly being discussed, there was much talk of the "sovereign people." And we ourselves often speak of Parliament as the real "sovereign body" in England. But we also speak of the King as sovereign because he once was so in reality.

Now, we must ask, if the King has lost his sovereign power, whether he has become merely a figurehead, or whether he still takes some active part in the government of the country. The answer has never been better stated than by John Locke, the philosopher, who wrote just at the time when Parliament was finally asserting its right to govern, who was, in fact, the companion of William III—the first King who recognized the sovereignty of Parliament—on his journey from Holland to receive the English crown. Locke often spoke of the “royal prerogative”—a technical phrase which means the amount of power and freedom actually allowed to the King. These are passages from the chapter in which he suggests how much freedom the King should have :—

“Prerogative is nothing but the power of doing good without a rule . . . Prerogative can be nothing but the people’s permitting their rulers to do several things of their own free choice where the law was silent . . . for the public good, and their acquiescing in it when so done. For as a good prince, who is mindful of the trust put into his hands and careful of the good of his people, cannot have too much prerogative—that is power to do good—so a weak and ill prince . . . gives the people an occasion to claim their right and limit that power which, whilst it was exercised for their good, they were content should be tacitly allowed.”

This statement shows us exactly what the object of Parliament has generally been in its dealings with the Crown. It has tried to prevent the kings from doing harm, and at the same time to allow them as much opportunity as possible of doing good. Now if a king can make laws and give orders to the Ministers and judges who carry them out, he has clearly an amount of power which it is very dangerous to give to any one man. Therefore Parliament has taken this power into its own hands.

What, then, is left to the King? In the first place he appoints the Prime Minister. But he has no great choice in this matter, for the Prime Minister must be one of the leading Members of one of the political parties, and the majority in Parliament shows

from which party the Minister is to be chosen. The Prime Minister himself selects his colleagues, and the King only appoints them on his recommendation. The King also has power to dismiss Ministers; but in recent times the dismissal has only been given by their request; that is, a Ministry resigns of its own accord. Thirdly, the King has power to dissolve Parliament; but this power, like the others, is only used by the advice of the Prime Minister.

Further, the King not only summons and dismisses Ministers and Parliaments: the Ministers regularly consult him about their business, and they pay a good deal of attention to the King's advice. Fortunately, for nearly a century the sovereigns have kept themselves remarkably free from party politics (George IV was the last King who openly took a side in party questions). At the same time they have mixed freely with their subjects and have done their best to keep in touch with public opinion. Therefore the King is often able to give an unbiased and well-informed judgment which is of real use to a Minister.

This is a reversal of the old position. Ministers used to advise the King, and he followed their advice or not according to his own pleasure. And even now when a Prime Minister chooses his colleagues, or nominates Bishops and Sheriffs, or reports the decisions of the Cabinet, he is said to be *advising* the King; and all the work of the Departments of State is done in the King's name, as if it were ordered by him. Actually, Ministers only consult with the King, and are not bound to take his advice; for they themselves are responsible for all the work of the government; and their departments, as we know, are controlled, not by the King, but by Parliament. This is another survival of the days before Parliament began to rule.

One Minister who consults freely with the King is the Foreign Secretary; and in the department of foreign affairs the King not only gives advice, but also does practical work by writing to the rulers of foreign countries and having important discussions with them when he goes abroad.

These are the chief political powers of the sovereign. However his main work is not political. The Ministers are

responsible for the business of government, and the King only comes into it as an occasional adviser and helper. But since the Crown lost its political power it has branched out into a new line. Now that the King is no longer the head of a party he has become the leader of the whole people. Most of his time is taken up with visits to various parts of the country, and occasionally to the Colonies or foreign lands. On these visits he constantly does services of one kind and another, which are often dull in themselves, but are none the less of real use. When he attends a Durbar in India and meets with all the native rulers ; when he distributes medals for brave conduct or confers honours on those who have distinguished themselves in art, letters, business, or public service ; when he visits factories and coal mines or lays the foundation stone of a new town hall, every one feels that he is acting as the representative of the nation. The people whose work is recognized by the King in these various ways feel that their efforts have been noticed and approved not simply by one man. The King's approval is a public compliment, and stands for the goodwill of the whole people.

The King, then, is not so much the head of a government as the head of a people : his real sphere of work is not in politics, but in the ordinary affairs of life. This work has been remarkably well done by our present King and his two predecessors.

The functions of the King are useful without a doubt : if they were not carried out by him they would have to be performed by some one else. The question has often been asked whether they are better carried out by a Republic than they would be by an elected president. In favour of a president it is said that the Crown is a survival of feudal days, and that it helps to keep up a feudal tradition which is not worthy of a democratic country. The King has his palaces and his courtiers, and there could hardly be a crown without nobles and titles and a great show of respect for gentle birth. This favour to the aristocracy helps to keep society divided into classes, whereas every good democrat wants to see classes done away with by a process of levelling up. If we had a republic with a president at the head we



should take a long step towards the merging of society into one class.

But there are several arguments on the other side. In the first place, because the King inherits the throne as a matter of course, we avoid all the trouble and disturbance of electing a president. Anyone who knows what an upset is caused in America by the presidential election must realize that our system has a real advantage in this matter. Moreover, a president is almost always a party leader: therefore his election aggravates party feeling, whereas our monarchy has no connexion with parties. Further, a president has more political power than our kings have. He is more or less of a prime minister as well as a king. The very fact that he is elected gives him a special authority.<sup>1</sup> So that as far as politics are concerned, our monarchy, with all the limitations with which it is hedged about, is if anything more democratic than a republic. And as for social classes, although republics have no nobility they have what is worse, a *plutocracy*, that is, a division of classes based on wealth. In France, for example, the barrier between classes is greater than it is in England. And although there is rather more mixture of classes in the United States, the real reason is that America is still a new country. Our Colonies are part of the King's dominions, each of them has a Governor-General to represent the King, and each Governor-General has his court. Yet the Colonies are at least as democratic in their customs as the United States. The only sure method of getting rid of classes is to give to every one a chance of the education in knowledge and manners and taste which at present is given chiefly to the well-born and the well-to-do.

Therefore it is by no means clear that a republican system is necessarily more democratic than a monarchy. No one has attempted to find which is preferred by the mass of the British people. But probably most of them would feel that we should have little to gain and something to lose by the mere change from a king to a president.

<sup>1</sup> During the Peace Conference in Paris it was reported that the American people were threatening, if President Wilson did not return quickly, to declare the United States a republic!

## CHAPTER XI

### ELECTIONS

**I**F a country or a county or a town is to be well governed it must have good rulers. Therefore the method of choosing the rulers is very important: some way must be found of ensuring as far as possible that the right men shall be chosen. In practice we have three different methods of appointing our rulers. In the first place a large number are *nominated*, that is, chosen by some person in a high position. Judges and **Link between Government and People** magistrates are nominated by the Lord Chancellor, many officials in the Departments of State are nominated by the heads of their departments. Ministers, Members of the Privy Council, Sheriffs, and new Peers are appointed by the King, usually, as we know, on the recommendation of the Prime Minister. Several Departments of State constantly receive applications from people who are anxious to find posts in the Civil Service. When vacancies occur the most promising applicants are chosen to fill them, after an interview with the head of the department.

Another method, which is very commonly used in the Civil Service, is the method of *examination*. All the candidates for certain posts (in some departments for almost all the posts) have to enter for an examination, and those who do the best papers are chosen to fill the posts. This method has the great advantage of being impartial: the candidates are appointed on their merits, and there is no possibility of favouritism. The chief drawback of this system is that many capable and intelligent people, who would make very good civil servants, cannot do themselves justice in an examination, and so have no chance of being appointed.

Nearly all those who are chosen either by nomination or by examination belong to some part of the Civil Service : they are judges and officials of the central or local departments. Their business is to carry out the law—not to make it. Our law-makers—the Members of Parliament and of local bodies—are chosen by means of an *election*. We might, of course, choose them by examination. In this way we could at least be sure that our rulers would be intelligent men. But the examination system for appointing law-makers would have one great defect. Although the Members who were chosen *might* take pains to find out exactly what the people wanted them to do, in all probability they would not, or at least they would not carry out the real wishes of the people. They would almost certainly do what seemed right to themselves ; and if the same things seemed right to the mass of the people as well, that would be more or less of an accident. There would be the same difficulty in this case as in the case of rule by officials or of any “ irresponsible ” government. The rulers would lose touch with public opinion ; the law would not meet the needs of large numbers of the people ; and there would be endless hardship and discontent. Therefore we ourselves *elect* our law-makers. Long experience has shown that if the people are to have the kind of government they desire, and laws which answer their needs, they must choose their own rulers. An irresponsible government, if it is well managed, may work satisfactorily for a time ; but sooner or later it will conflict with the wishes of the people, and after causing a vast amount of trouble it will eventually come to grief. A government controlled by representatives of the people cannot go so far astray. Even if the rulers are men of small ability they are not likely to do much harm, for the first election will sweep them away, and there will be an opportunity of putting more talented men in their places.

In the early stages of our study we saw that our government, both local and central, is democratic. Elections are the links which bind rulers and people together, give the people control over their rulers, and so guarantee a democratic system—the government of the people by them-

selves. In this chapter we shall see how elections are carried out.

Important as an election is, it is a much simpler process than the making of a law. The most important elections **Parliament-** are, of course, those of Members of Parliament, **ary Elec-** and we will describe them first. For the purpose **tions** of Parliamentary elections the whole country is divided into sections, called "constituencies," or "Parliamentary divisions." Since 1885 nearly all the constituencies have had one Member apiece. A few, less than thirty altogether, have two Members. Even large cities, which used to return several Members, are now cut up into divisions—perhaps five or six, or even more—and each division has one Member. So that a Member for a large town represents not the whole town, but only a fraction of it. At various times attempts have been made to rearrange the constituencies in order to make the population in all of them as nearly equal as possible. It is plainly fair that the divisions should be equal in population. Each of the seven hundred Members of the House of Commons should be chosen by one-seventh-hundredth of the electors. If we imagine a division with only ten electors (there were many such before the Reform Act of 1832) and another with fifty thousand, we can readily see that each of the electors in the one division has a vastly greater power than any one of the fifty thousand voters in the other division. The actual constituencies which exist to-day are not so extremely unequal in size as these which we have imagined. But some of the largest have about fifteen times the population of the smallest; and every one admits that a fresh "redistribution" is needed. In all probability it will come within the next few years.

When Parliament has been dissolved and a general election is to be held, notices, called writs, are sent out. A **Prepara-** writ is sent to the Sheriff of each county (and **tions for** county borough) ordering him to hold an election **the Poll** in every constituency under his charge. Immediately he publishes a notice fixing a day for making nominations—that is, handing in the names of candidates. On or before that day he receives the names written on a

sheet of paper, each name of a candidate supported by the names of at least ten electors. If only one candidate is nominated for a vacancy the Sheriff declares him elected. But in about three constituencies out of four, there is more than one candidate, and a choice has to be made by voting. So far all the preparations have been matters of routine. Every one has known for some time, perhaps for months, that an election would soon take place. Each political party has chosen its candidate, and there is no difficulty in finding ten people who will sign his nomination paper.

The exciting part of the process comes a few days later on the day of the poll, that is, the actual voting. But, indeed, the candidates and their supporters have probably had plenty of excitement before ever the nominations were made—or even before the writs arrived. Apart from the formalities, they have been carrying on an election campaign by methods that are familiar to all of us—meetings, both in public buildings and in the open air; posters and handbills, either plain or pictorial, either flattering or defamatory; and canvassing of voters from house to house. The organization of the campaign is in the hands of the local party agents, who exert themselves for the space of two or three weeks to the very limit of their endurance. But the struggle is not long. On a given day (which will in future be the same for the whole country) not more than seventeen days later than the issue of the writ, the vote is taken.

Voting is a simple matter for the elector, but those who are responsible for the arrangements have a much heavier task. They have to choose polling stations in various parts of the constituency—public buildings, often schools, in which the electors give their votes. In each polling station carpenters are employed to build wooden partitions which are used by the electors when they fill in their voting papers. Tables and chairs are provided for the clerks at each station, and tin boxes, each furnished with a lock, and a narrow slot in the lid, to receive the papers. A copy of the list of voters must be supplied at every station, together with several books of voting papers. These books are similar to receipts or cheque-books. Each page consists of a form, giving the

names of the candidates, with blank spaces for the voter's mark, and a counterfoil on which a clerk writes the voter's name and address. Both form and counterfoil are stamped with the same number. Seeing that the names of the candidates cannot be known with certainty until the day for nominations, these books have all to be printed and numbers stamped on the pages in the short interval between the nomination day and the polling day. The printers are also kept busy with other work—not only with election addresses and handbills issued by the candidates themselves, but also with official papers, forms for nomination, notices of nominations and polling days, and instructions to voters. The list of voters has been prepared in advance, for it could not possibly be printed and revised in the last few days before the election. But there is enough work to be done to keep a large number of people busy with official arrangements while the candidates and their friends are carrying on their campaign among the voters.

These official arrangements are supervised in the county divisions by the Sheriff, and in towns by the Mayor. Sheriffs and Mayors are the "returning officers"—the men who receive the writs and answer them by returning to the Clerk of the Crown the names of the successful candidates. The returning officers choose their own assistants: supervisors for the polling stations, clerks to help the supervisors, and "scrutineers" to examine and count the voting papers. These assistants are, as a rule, officials of the local councils.

On the day of the election the polling stations are open from 8 a.m. to 8 p.m. Between those hours the official staff is in attendance, supported by one or two policemen, and the electors can give their votes at any time. Each elector goes first to the superintendent of the polling station in his district and gives his name and address. The superintendent then examines the list of voters to see that the elector's name is there, for if it were not he would have no right to vote. When he is satisfied on this point he strikes off the name, so that if the elector is dishonest and tries to slip in a second vote later in the day, he will not succeed. A clerk then hands the elector a voting

#### Voting

paper and writes his name and address on the counterfoil. The elector goes to one of the partitions, where no one else can see what he is doing, makes a cross in the space opposite the name of the candidate whom he supports, folds up the paper, puts it through the slit into one of the tin boxes and goes out, probably, to report to one of the agents of his party that he has given his vote. Thus his only duty in voting is to fill in the form with a cross. In fact he is not allowed to do more. If he writes his name on the paper, or if, carried away by enthusiasm, he adds such expressions as "Good old George," or "Go on the Blues," his paper is set aside and his vote is lost.

This may seem very hard and even absurd. But there is a reason for this very strict rule that only a cross, and only one cross, must be marked on the paper. Consider what might happen otherwise. One man might make two crosses, explaining that he had changed his mind and meant the one for Williams to count, or he might write the name of the man he wanted to vote for—or wanted to vote against. In many of these cases the writing might be bad, and much more time would be taken in deciding for whom the man had voted. The official counting the votes might even have to consult a higher official when in doubt. Seeing that many millions of votes have to be counted in a general election, it will easily be seen what a lot of time might be wasted thus. And there would be many unpleasant disputes over doubtful papers. This can only be avoided by making a clear, definite rule and sticking to it strictly, though it may appear to be absurd in some cases and may be called "red tape." We have discussed this small matter in detail because it is a good illustration of how definite rules enable work to be done on routine lines by inferior officials. Routine methods are usually impartial, and thus save expense and, on the average, even time. It is impossible in a complicated system of government to avoid a considerable amount of what seems to be "red tape," though undoubtedly some government methods have become too fixed and elaborate. But we must return to our description of the election.

At eight o'clock in the evening the polling stations are

shut, the boxes are taken to the town hall, or some other central building, and the votes are counted by the scrutineers in the presence of the returning officer.

**Declaration** The counting in a large constituency takes some hours, and the result is not usually ready until about the middle of the next day. The elector finds the actual voting a dull business, but the "declaration of poll" gives him some entertainment. The sporting element in party politics which has given life and interest to the campaign, reaches its climax when the returning officer appears at a window with the candidates and announces the result to so many of the public as can hear his voice. At times he can scarcely hear his own voice, and the crowd learns the result by means of figures shown on a screen. When the cheering subsides a few complimentary speeches are made, the candidates, both successful and unsuccessful, visit their committee rooms to thank their supporters, and the election is at an end. A few days later when Parliament meets, the newly-elected Member is presented to the Speaker by two other Members of his party, and takes the oath or affirmation of allegiance. He is then a fully qualified Member of Parliament, and has the right to take part in all the debates and to vote in all the divisions of the House.

This is a rough outline of the method of carrying on the Parliamentary elections. The chief object is to secure absolute secrecy in voting. That is the reason for the wooden partitions, the locked boxes, and the single mark on the voting paper, without any name or sign to show the scrutineers who put the mark there. No one except the voter himself, and those in whom he chooses to confide, can know how he voted. Therefore no one can compel him to vote against his wishes. This method of voting—by secret ballot—was known to the ancient Greeks, who used pieces of pottery instead of paper forms, and it was used for many centuries in Venice. English reformers wanted to adopt it in the seventeenth century, but it was never used in this country until after the "Ballot Act" of 1872. Many people can still remember the old method of "open" voting, which compelled each elector to mount the hustings, or temporary platform,



and call the name of the candidate for whom he wished to vote. It was plainly an unfair system, for many poor electors were forced to vote, not according to their own will, but according to the will of their employer. If they had done otherwise they would have lost their employment or their land. Therefore the old system did not show the true wishes of the people : it secured the election of candidates favoured by the well-to-do-classes.

We have seen something of the method of Parliamentary elections, and we know what work the Members do in Parliament. It remains for us to ask who are the electors.

#### Electors

Here we come upon very recent history ; for, as every one knows, the Representation of the People Act of 1918 has put a great number of fresh names on the register. This Act is the natural successor of the Reform Acts of 1832, 1867, and 1884. Each of these measures lowered the standard of property and income necessary for a vote, and so brought in a number of men who had previously been too poor to possess a vote. Gladstone's Act of 1884, which was in force until 1918, confined the suffrage—or the right to vote—to men who owned or paid rent for land or houses, or were lodgers paying at least £10 a year for their rooms. Now all men who have reached the age of twenty-one, and have lived for a year in one Parliamentary division, are allowed to vote, without any regard to the value of their houses or lodgings or land. Moreover, no man has now more than two votes.<sup>1</sup> Previously anyone who had the necessary property in any division was given a vote there ; so that a man who had houses or shops in several different constituencies had several votes, and so could help to elect perhaps four or five Members of Parliament. Such men can now vote in only two divisions at the outside. So that the millionaire and the casual labourer are in very nearly the same position as far as elections are concerned. The effect of this great Reform Act, then, is to enfranchise, or give the right of voting to, every grown-up

<sup>1</sup> A man who lives in one constituency, and has business premises in another, may vote in both places ; and graduates of universities have an additional vote in their university constituency. But no one may use more than two votes in a general election.

man. We have reached at last the "manhood suffrage" which has been urged by reformers for the past two hundred and fifty years.

But the Act has carried us yet further. It has given the suffrage to several millions of women—to all women who can prove themselves to be over thirty years of age, who are householders themselves, or are the wives of voters. And we may expect that before long the vote will be extended to women over the age of twenty-one. When that is done manhood suffrage will have given place to "adult suffrage," and as far as voting is concerned our method of government will be as democratic as a government can possibly be.

The Act has made other changes. Previously only a few of the universities had sent Members to Parliament. Now every university is either a constituency in itself or part of a constituency (for several join to elect one Member), and every man graduate over twenty-one and every woman graduate over thirty years of age is entitled to vote. The reason for giving special Members to the universities is that they are more or less controlled by Parliament, and it is thought desirable to have a few Members present who can give advice on the subject of university education. The Act also provided for some "redistribution"—the changing of boundaries in order to make the divisions more nearly equal in size; it raised the membership of the House of Commons from six hundred and seventy to seven hundred and seven, and it provided that all elections should be held on the same day. But it will always be chiefly remembered for the two great and far-reaching reforms—manhood suffrage and the enfranchisement of women.

Our description of Parliamentary elections will very nearly serve for local elections as well. It is true that in some **Local Elections** small parishes the council may be chosen by a show of hands at a parish meeting. But many parish councils, and all district, borough, and county councils, are elected by ballot, with the full equipment of polling stations, voting papers, policemen, and returning officers. The chief difference between local and Parliamentary elections is this, that whereas Parliament can be dissolved and a general

election held at any time, the local elections are held at regular intervals. Commonly, as we know already, one-third of the local bodies retire every year, so that each year there is an election for a third of the council. All county and district councils are elected early in April, parish councils in March, and borough councils on or about the 1st November (in Ireland on the 15th January). The local elections often arouse a good deal of interest ; but they are not as thrilling as a general election. They provoke less party spirit ; there is not the excitement of receiving news from all parts of the country ; and the result does not bring success or failure to a Ministry.

Local elections often run on party lines. Many members of local bodies sit professedly as Liberals, Conservatives, or Labour members. And if in the local councils there were party ministries, pledged to carry out a certain programme, and depending on a majority in the council, the elections would be really exciting. But a party programme is almost impossible, for the laws have been made beforehand by Parliament, and although the local councils can make by-laws, most by-laws are of a neutral kind and cannot readily be given a partisan complexion.

We have described elections as the link between the citizens and the law-makers, and the guarantee of democratic **Effect of the rule.** But their importance is by no means **Vote** clear to every one, even of those who take part in them.

"Anybody who has had much experience in elections must have observed that a young, working-class elector will often appear bewildered and disconcerted by the raw simplicity of the whole proceeding. Unconsciously he feels that it is too brief, too unimportant. He fancies that there must be something more for him to do : that this high privilege, this urgent duty of which he had heard so much, ought not to be rattled through with so scant a ceremony, so little expenditure of energy on his own part."<sup>1</sup>

And, after all, what has an elector done in giving his vote ? Perhaps he was certain from the outset what the result

<sup>1</sup> Sir Sidney Low, *Governance of England*, p. 214.

of the election would be. Then, whether his candidate is sure to win or sure to lose, he feels that his vote is really useless. If the contest has been fairly close, but his party has lost, he reflects that in spite of his vote he and his friends have no representative in Parliament. The only elector who has any true satisfaction is the man who has supported the winning candidate in a close struggle. He knows that his vote has been of some use and importance.

But even so, how much has he done towards the government of the country? He has had a very small share in electing a single Member of Parliament. And that Member may not, and probably will not, speak and act exactly as this particular elector would wish. In fact, regarded from the point of view of a single elector, the vote is a very weak and trifling instrument. To judge the importance of the vote aright we must think of the whole community of electors, first in one division, then in every part of the country, and finally of the whole body of elected Members.

We must remember that a candidate does not simply ask the electors to vote for him because they like him personally. In his printed address to the electors, in public speeches, and answers to questions, he makes his political views known to every one. He shows clearly what measures he will support or oppose, and what are his opinions on the chief problems that are likely to come before Parliament. Certainly if he is popular with the electors his chance of success is so much the greater. A well-known local man has always some advantage over a complete stranger. Nevertheless strangers are often elected. A man whose home is in Berkshire may represent a Scottish borough, and a Scotsman may be the Member for a county division in the Midlands. Usually, it is true, by the time of the election the stranger is a stranger no longer. The local party committee have arranged long beforehand who is to be their candidate, and for some time he has been "nursing the constituency." He has often visited the district and spoken at public meetings, interested himself in local industries, kicked off the ball at football matches, and learnt how to deal with any private Bills that may come from the district to Parliament. In

the few weeks before the election he travels all about the constituency, visiting the voters in their homes, and speaking at countless meetings. His photograph is distributed everywhere, showing him perhaps in his garden surrounded by his family, or accompanied by his favourite dog. When the polling day comes the voters of his party feel that they know him as a personal friend. Yet, after all, the personal question seldom decides an election. Votes are given not so much for a man as for a party—and the candidate whose party is in a majority has the best chance of success.

Under a different system the candidate might claim the right to vote on any question as seemed right to him when he had heard the discussions in Parliament. But in that case the electors would only know for *whom* they were voting, and not for *what* they were voting. In practice they want to know in advance how the candidate proposes to behave when he goes to Parliament, and the candidate must pledge himself to support this and that measure, and the measures which he supports must agree fairly closely with the programme of a particular party. Otherwise, in all probability, he would not receive more than a handful of votes.

This fact has an important meaning for the voter. It teaches him that his vote is given not only in favour of a particular man. It is given in favour of a certain programme, which is nearly always the programme of a party. Those who have voted for the winning candidate have helped to increase by one Member the strength of their party in Parliament. All over the country electors are voting for or against other Members of the same party, and among them they decide which party is to have a majority in office. The programme of the party is well known to all the electors, so that by giving that party a majority in Parliament they have said in effect that they approve its programme, that the Ministry has their leave, their "mandate," for carrying its proposals into law.

Thus, although a single vote is only a trifle, all the voters in the country decide among them what the law is to be,

since each party has its programme ready-made and set before the electors, and the electors say by means of their votes which programme they prefer.

This is, indeed, only a rough and ready way, and a clumsy way, of discovering what the people want. It may be that no single elector agrees with every detail of a party's programme. Yet a majority vote for that party, because the only alternative is to support another party programme which they like still less. The people have not yet any means of saying precisely what laws they want; there is no means of keeping the law-makers very closely in touch with public opinion. One of the chief political problems of the present time is to find some method of giving the people a more direct voice in making their own laws. In another chapter we shall consider one or two suggestions for solving the problem.

If a general election does not show very clearly what the people want, it is more effective in showing what they do not want. It has been said already that a Ministry which is rash enough to oppose the will of the people will inevitably be thrown out of office at the next general election. Therefore elections at least guarantee that the acts of a Ministry and a Parliament can never go far astray from the will of the people. That is more than can be said of most governments until very recent times. In ancient times, and in the Middle Ages, a few *towns* were ruled by the people, but democratic government in a whole *country* is quite a modern invention, and it has only been possible by means of elections and representatives. In England it began with the great Reform Act of 1832.

Several things are necessary for the success of democracy. The people must wish to govern themselves; they must be well enough educated to understand something about the chief problems of the day; they must have learnt not to be too impatient, too anxious for change, nor yet too patient when reforms are needed. In the nineteenth century, democracy has been greatly helped by cheap newspapers and books which have given the people the information that they need in order to vote intelligently; by cheap

travel, which has helped to bind the people together and has enabled them to exchange ideas and opinions ; by compulsory education ; and also by the growth of towns, for in a town it is easier to keep in touch with all that is happening in the world ; and townsmen, meeting every day with great numbers of their fellow-citizens, can realize that they are the people and can gain some idea of the power of a united people organized to rule themselves.

All these conditions help to bring about democratic government and help to make it a success. But they do not of themselves make a democracy. The great mark and guarantee of democracy is the power in the hands of the people of electing their own rulers, and the simple act of casting a vote is the exercise of this power.

#### NOTE ON BOLSHEVISM

An attempt has been made recently in Russia and Hungary to establish a different method of government from the ordinary one of sending representatives from various districts to meet in Parliament. This alternative method is familiar to us under the name of Bolshevism, and the Russian and Hungarian Bolsheviks are the only people who have put it into practice. But a similar system has been advocated for several years by Syndicalists in France and elsewhere. Its essence is representation not by districts but by trades, the delegates of various trades forming a "Soviet" instead of an ordinary Parliament or local council. It is held that men belonging to the same trade form a "natural" group, much better suited for choosing representatives than the artificial and heterogeneous group formed by all the dwellers in a certain district.

Such a system is not likely to endure long in any country. A trade is not really a suitable division for the election of rulers, for most political questions do not concern any trade as such. They are so varied, and touch so many sides of human nature, that a man should obviously vote on them as a man, not as a carpenter or an electrician. Moreover, if the interests of some trade are involved in a political

problem it is most desirable that the problem should be faced not from the point of view of that trade or its competitors, but with an eye to the good of the whole people. There is already too much mixture of private and trading interests in government. Rule by Soviets would almost certainly aggravate this evil, and there would be a serious danger of government becoming a scramble for wealth and power on the part of industrial groups. This was the result in many towns during the Middle Ages of rule by guilds, which in some respects resembled the rule of Soviets.

The main reason for Soviet rule is, of course, that it provides a ready means of separating workers from the "possessing classes," and so of forming a government representing the extreme wing of Labour, which will carry out a policy of class war. The ordinary method of voting by districts does not tend so strongly towards class separation and class consciousness. Therefore, if we are to decide between Bolshevism and our present system of representation, the real point at issue is our approval or dislike of class war. Merely as a means of choosing a body which should represent public opinion, systems under which men voted according to their age, height, or weight, or the initial letters of their names, would, any of them, be better than the Soviet system.

If we accept the principle of rule according to the will of the majority, the method of voting by districts is probably as fair and satisfactory as any that could be devised. Bolsheviks, of course, do not strictly accept the principle of majority rule. Like the Syndicalists, they are apt to regard the opinion of the majority as dull and conservative, and they prefer to place power in the hands of a few active men who will keep the lethargic masses constantly aroused. But, whatever be their theory, they will be bound in practice, as all rulers are, sooner or later, to consult the will of the majority. Constant stimulus from a violent minority is a very uncomfortable form of government, which will not long be tolerated by any people. The "activists" are bound to lose their power and to be replaced (perhaps after



a forcible reaction) by a steadier and more truly popular government.<sup>1</sup>

Although we reject the representation of trading interests as a general system of election, we may notice that in several schemes for the reform of the House of Lords the representation of "interest" of a different kind has been proposed. It is suggested that certain of the Members should be chosen by various religious denominations, others by lawyers, medical men, teachers, members of universities and learned societies, and so on. But the object in this case would not be to promote the interest of the different groups and professions, but to secure the election of well-educated and judicious men. Whether this system would produce better results than election by districts is a question which can only be answered by experiment.

Moreover, as social affairs have now such a large place in the work of government, and questions affecting special groups—such as miners, railwaymen, teachers, and postal workers—are constantly arising, it would be useful to have some regular means by which the government could keep in touch with these groups. At present Royal Commissions or Parliamentary Committees are often used for this purpose; but they are not *representative* in the ordinary sense of the word. There is room for something resembling a Soviet—an elected body representing a special group, which can be consulted by Parliament or the Ministry—representing the whole people. But these bodies, whatever power they might have in their own trades, would only be advisory as far as public affairs were concerned; whereas under a full Bolshevik system (or any other scheme of "functional" government) they would form together the supreme authority in the land.

Miss FOLLETT's recent work, *The New State*, gives an introduction to the study of representation. *Social Theory*, by G. D. H. COLE, contains a very able and interesting account of the "functional" theory of government.

<sup>1</sup> We only deal here with one aspect of Bolshevism—its representative system. Another aspect, the principle of revolution as opposed to reform, is discussed in Chapter XVIII. Several other features, economic and ethical, fall outside the scope of this book.

## CHAPTER XII

### LAW AND LAW COURTS

**W**E have followed the process of law-making ; we have seen how the ordinary work of administering laws is carried out by Departments of State, by travelling inspectors, and by the officials of local councils.

We have also noticed the service done by the police force in giving security to the citizens. We have still to deal with one other branch of government—the work of the Law Courts. Parliament does no more than decide what the law is to be. A constable can do no more than arrest an offender or serve him with a summons. The questions whether the person arrested or summoned has broken the law and whether and how he is to be punished must be decided in the courts. They, with the help of the police, make the law a real force, they bring it home to the citizen, compelling him to obey the commands of the government. Thus the work of government, which begins with the elector, and is continued with Parliament and the Departments of State, the local councils and their departments, is completed by the policeman and the Judge.

Here once more we meet with the second aspect of government. Public officials and law-makers have been treated in our study chiefly as servants of the people. But in the courts the private citizen is confronted with a great system of law which he must obey, and in the making of which he has had an extremely small share. The law is his master and he is the subject.<sup>1</sup>

<sup>1</sup> In another sense, of course, he and his fellow-citizens are masters of the law ; for if they agree that a change in the law would be good, they can secure a change through their representatives in Parliament.

## STATUTE AND COMMON LAW

Before we speak of the courts themselves we must stop to inquire what is the law with which they deal. We have often referred to Parliament as the law-maker, and as far as our study has carried us the only laws with which we have met have been Acts of Parliament and the by-laws of local councils. They are, in fact, an important part of the law of the land, but they are by no means the whole. If we listen to a number of cases in the courts we shall find the Judges and counsel referring very often to rules which were never made by Parliament, and especially to decisions in previous trials with which Parliament had nothing to do. These rules are known as rules of *common law*, and the whole law of the land includes these rules, Acts of Parliament and by-laws of local councils, Department of State, or any other bodies to which Parliament has given the necessary powers.

How has it come about that a large part of the rules enforced by the courts have never been passed by Parliament? To learn the answer we must go back to the Dark Ages, when the peoples of modern Europe were settling in their new homes. At that time some of their rulers drew up codes of laws, the first written laws of modern nations;<sup>1</sup> but these codes were for special purposes and covered a very limited field. They dealt particularly with new problems, such as the attempt to make the King's peace a reality, and to punish in courts of law the crimes and injuries which rude tribesmen had been wont to avenge by plundering and blood-feuds. But all the ordinary affairs of life were provided for by the ancient customs of the tribe which were not written down, and did not need to be written down, because every one knew them. These customs were the beginning of common law, and the codes were forerunners of the modern Acts of Parliament.

The earliest law which still remains on our statute-book was passed in the year 1235. Since that time new needs have con-

<sup>1</sup> e.g., The Laws of Ine, the Salic Law of the Franks, several codes of the Lombards in Italy and the Goths in Spain.

stantly arisen and new statutes have constantly been added, so that now they fill several hundred large volumes ; and at the end of every Parliamentary session, as we know, a fresh volume is published, containing all the Acts passed during the session. It might be supposed that by this time the statutes would cover every possible case that might come before the courts, and that there would be no room left for the common law. Yet the fact is that the common law has grown as well. Technically it is supposed to consist of all the customs which existed in the reign of Richard I, and of nothing else. But in practice it is much more than this, for *any* well-established custom may be recognized by a court as having the force of law, and when once it has been recognized it becomes from that time forward a part of the common law. And further, the ancient customs did not simply refer to particular cases, but rather they contained general principles which could be applied to new problems as they arose. Whenever a fresh problem has been presented, and a court has decided how the law stood in regard to the case, that decision has become a part of the common law. It forms a *precedent*, and in a similar case all courts must in future give a similar decision.

How are all these decisions known ? For centuries—ever since the reign of Edward I—lawyers have made a practice of writing out full reports of trials. The reports now fill about a thousand volumes, and in this vast mass of information the decisions on points of law are hidden away. It would be a very tedious business always to hunt out the facts from among the reports. But it is part of a lawyer's training to learn the most important precedents, and great numbers of them are classified and catalogued in works on different branches of law, so that it is comparatively easy to refer to them. The precedents are not only statements of the common law. Very often, as we saw in dealing with the work of Parliament, there is a doubt as to the meaning of some phrase in an Act, and the question whether the law has been broken or not turns on the exact shade of meaning of the words. In such a case the Judge has to decide ; he has to *interpret* the meaning of the Act, and his interpretation then becomes a precedent, and is added to the great stock already existing.

Decisions of Judges form the main body of the common law—but they are not quite the whole. Some important treatises written by great lawyers, such as those of Bracton in the Middle Ages, Lord Chief Justice Coke in the seventeenth century, and Blackstone in the eighteenth, are accepted in the courts as true statements of the law. And from time to time *customs* which have never been enforced by Act of Parliament are recognized by Judges as having the force of law. So, for example, traders in the Middle Ages and later centuries gradually worked out a body of customs for ordering their business both at home and abroad. When their customs were well established many of them were adopted as laws by governments in all parts of Europe. In England a great number of trading customs were built into the system of common law during the eighteenth century.

We have now some idea of the nature of common law. It is made up of customs recognized by the courts, statements in the leading books on English law, and, above all, legal precedents—the decisions on points of law made by Judges during the last six centuries. We have still to ask whether it is a good thing that so much of our law should be decided outside Parliament. Does it not seem undemocratic that rules which are just as binding as Acts of Parliament should be laid down without any discussion by the people's representatives and without their leave?

Lawyers and most other people who have studied the question would answer that common law is really useful and that they have no wish to abolish it. It is useful chiefly for this reason; new problems, often in matters of very small detail, are constantly arising, and the law must grow by answering these problems. Now if there were no common law the answer to every question would have to wait until it could be decided by Act of Parliament—or if a Judge did give his opinion that opinion would not be a precedent, and no one would know how the law stood until Parliament had settled the question. The system of common law, then, provides a ready means by which the law can expand to meet new needs.

However convenient the system may be it would still be bad if it were undemocratic. But it would be undemocratic

only if the Judges could make and enforce regulations which were opposed to the wishes of the people. In practice they can do no such thing : they can only declare what they believe to be the intention of the law *as it stands*, or recognize officially a well-established custom. And if the common law has gone astray, or if in any point it has fallen behindhand while the needs of the people have been changing, then Parliament can easily set the matter right by passing an Act to alter the law ; for the common law can never stand against an Act of Parliament.

As a matter of fact Parliament does often intervene, sometimes to set right a defect in the common law, sometimes merely for convenience, to put together and set in order a number of rules that have grown up haphazard in the courts and the Departments of State. There are several examples of the first kind of interference in the history of trade unions. One of the most famous is the Act of 1824. The unions had sprung up, as most societies do, without asking leave of Parliament. As the law stood at that time workers might join together to form a friendly society, but there was a rather vague common law rule which made it illegal for any group of persons to interfere with the freedom of another person's business—in technical language a rule against “conspiracy in restraint of trade.” Because of this rule it was illegal for the workers to combine to raise their wages or to go on strike. The workers felt it a great grievance that they were not allowed to bargain on anything like even terms with their employers. A strong case was made out for them by their friends in Parliament, and at length, in 1824, Parliament passed an Act which legalized trade unions and allowed the workers to strike, provided that they behaved in a peaceable manner.

This example shows that the relation of statute and common law is very much like that of the ancient codes to the still more ancient customs. Everything that is satisfactorily provided for already by the common law Parliament leaves alone : it only passes Acts as they are needed, to supplement or to alter the common law or previous statutes.

Of course, Parliament might go further if it chose. It

might appoint a committee to work through the thousand volumes of law reports and all the other sources of common law, and arrange the whole of the rules in the form of a code ; and this code might be made into an Act of Parliament. Then our law would consist entirely of statutes, and no common law would be left. Some countries have adopted this plan. In France and Germany, for instance, there are great written codes, and nothing outside the codes—no decision of a Judge, and no custom, however well-established, can be a part of the law of the land. But we are not likely to make such a change in England. Even in Germany there has been a movement among lawyers to go back to the old system. Some of the greatest German lawyers have complained that the code is inadequate, unbending, and too difficult to alter, and they want to regain the freedom of the old customs and common law.

### COURTS OF LAW

Now, having learnt something of the law, we will turn to the courts. Their business is to hear complaints against any-  
**Petty Sessions** one who is said to have broken the law, to judge whether the law has been broken, and to take what measures they can to find a remedy. Fortunately the great majority of breaches of the law are quite trifling, and most of these small cases are tried in the local courts which meet perhaps every day, perhaps once a week, according to the amount of their business. The meetings of these courts are generally known as **Petty Sessions**—petty because they deal with small offences. Most boroughs have their own petty sessions, and in the country parts each county is divided into districts (not the same as those ruled by the district councils), each district having its own court.

The petty sessions are managed by Justices of the Peace, the local magistrates, with whom we have met before in our  
**Justices of the Peace** study of the county and the borough. They are appointed for life by the Lord Chancellor. He cannot tell, of course, from his personal knowledge what people in every part of the country are suitable to act as

Magistrates. Therefore their names are sent to him from each county by the Lord-Lieutenant. The Justices used to do a great deal of their public business outside the courts. Nearly all of this business has been taken from them, as we know, by the local councils, and now most of their duties are performed in the petty sessions. The Magistrates sit in a row at the head of the court, facing the other people who are present (hence the expression the "bench" of Magistrates), and below them is an invaluable official, their Clerk. He is a professional lawyer, who acts as secretary to the court and advises the Magistrates on points of law. They have not been trained to this sort of business, and although they can learn a good deal by experience, they often do not know in particular cases how the law stands or what kind and amount of penalty they should impose.

It is worth while to notice this fact that the Magistrates are amateurs in the law—not paid officials; for the work of amateurs is an important and very good feature of our constitution. Members of Parliament, although they receive a salary, are scarcely professional politicians, unless they happen to be Ministers; members of the local bodies are amateurs altogether; so are the jurors, with whom we shall deal directly; so are the Lord-Lieutenants, Sheriffs, and Justices of the Peace. The general principle of their work is the same as that of the petty sessions. The amateurs—in this case the Magistrates—make whatever decisions are to be made: the business of the paid officials is first to give advice and later to carry out the decisions of the amateurs. And further, the greatest questions of all, the widest problems of policy, are decided by those who are most completely amateurs—the voters at a general election. This system leads often to bungling and error. It is a clumsy system. But it has one great advantage, that it saves us from the rule of officials; and we know well what the evils of that system of entirely professional government would be. Every private citizen, then, who takes part in the work of government, whether as elector, Magistrate, juror, or member of a ruling body, is helping in some measure to secure a democratic system and to save the country from the burden of bureaucracy.



To return to the petty sessions—the bench of Magistrates generally elect their own chairman, who brings forward the business and announces the decisions. In a borough, if the Mayor happens to be present, he presides as a matter of course. There must be at least two Magistrates on the bench or no business can be done. The other people in the court besides the Magistrates and their Clerk are a few policemen, probably a few lawyers, reporters for newspapers, any members of the public who care to be present, and those who are compelled to appear as witnesses or as accused persons. Of the constables we have spoken already, of the lawyers we shall speak later. With respect to the reporters and casual visitors we need say only this, that petty sessions and courts of all kinds are open to the public, and newspapers are free to print reports of the proceedings; so that justice is never done in secret, like the work of the Inquisition or the Star Chamber. Without doubt this openness of the courts serves as a guarantee of good faith and fair dealing. It is not quite without exception, for if the business is of a specially private kind, or if the visitors misbehave themselves, the president, whether Magistrate or Judge, can have the court cleared. The writer of this chapter was once present at a case in which three men were being tried for rioting. When it was seen that the case was going against them several of their friends on the public benches began to hurl angry words and solid missiles at the Judge, with the result that they and the rest of the visitors were soon turned out by the police and the offenders were afterwards punished. But such disturbances are very rare. As a general rule the courts are open to the public, and any reader of this book who wishes to study the working of the law may do so at first hand by visiting any of the local courts at any one of their sessions.

A Magistrate's chief duty, we have seen, is to attend at the court houses; but he has still some duties outside. Statements made before a Magistrate and signed by him are often used as evidence in the courts. He may have to sign warrants or forms of summons for the police. A "warrant" is a document signed by a Magistrate ordering a constable to arrest some person and put him in prison to await his trial.

A "summons" is a form delivered by a constable to the offender, or left at his house. It does not involve his arrest, but only orders him to appear in court when his trial is due. If the Magistrate thinks fit he can issue a warrant for arrest, but can allow the arrested person to stay at home until his trial on one condition—that his friends shall make themselves responsible for his appearance in court, and shall pay a large fine if he does not appear. The sum guaranteed is called "bail," and the person arrested is said to be released "on bail." A Magistrate has power to use any one of these means of bringing a person to court; the method chosen will depend on the seriousness of the offence and on what is known of the offender's character.

From time to time a Magistrate may have the exciting task of suppressing a riot. If the police find that a crowd is getting out of hand they can send for a Magistrate and call upon him to "read the Riot Act." What he reads is not the Act—an important statute passed in 1914, but a short proclamation ordering the crowd to disperse quietly. It is true that the recital of a whole Act of Parliament might have a depressing effect on a crowd, but most Magistrates would prefer to make their performance as brief as possible. The Act allows the Magistrate to call in soldiers, and employ them an hour after the reading of the proclamation, or earlier if necessary, to subdue the disturbance; anyone who remains in the immediate neighbourhood may be treated as a rioter.

We have said that the cases which come before the petty sessions are mostly of small importance. The more serious cases need more skilled guidance, and a more thorough investigation than the Magistrates have time to pursue. Therefore a limit is set to the Magistrate's powers. In the petty sessions they can only punish offenders by a small fine, or an imprisonment which as a rule cannot exceed three months. Any case which cannot be properly met by such a light punishment is sent forward to one of the higher courts. Offences tried in the petty sessions are such matters as small thefts, drunkenness, gambling in a public place, letting a savage dog run loose, failure to send children to school or to have them

vaccinated, cruelty to animals, poaching, and breaches of factory regulations.

In some large towns the courts have a great amount of work to do, and meet almost every day. The ordinary Magistrates would not have time to attend to all the business, therefore trained lawyers are appointed to undertake a large part of it. They are called *Stipendiary* Magistrates because they receive a salary, or stipend; and each of them counts as two ordinary Justices—consequently a single stipendiary can sit in the court and try cases by himself. He commonly does so, taking the more difficult cases in one room, while the more straightforward cases are tried in another room by the amateur Magistrates.<sup>1</sup>

Four times a year the Justices of the Peace in each county meet in the chief town to try more important cases. Because **Quarter Sessions** this meeting is held once a quarter it is known as the Quarter-Sessions for the county. It was at the quarter-sessions that the county Justices used to do the ordinary business of local government; but now their work is almost entirely in the court, trying cases. Besides the quarter-sessions the Justices have one special meeting once a year, the Licensing Session, to deal with applications for licences for hawkers, public-houses, and theatres. County boroughs and some other large towns have quarter-sessions of their own, because they have enough cases to occupy a whole meeting, and if their cases had to come before the county Justices the quarter-sessions of the county would take a longer time than most people could spare for them. A town with its own quarter-sessions has a special official to preside over the court, a professional lawyer of long experience who is called the *Recorder*. He is an important person appointed by the King, and at public functions in the town he takes rank next to the Mayor. We see, then, that the pressure of business in large towns has made it necessary to appoint professional Magistrates for local courts of both kinds—the petty sessions and the quarter-sessions.

<sup>1</sup> Ireland is well supplied with stipendiaries, known as Resident Magistrates. They take the chief responsibility, but they commonly sit in the same court with the other magistrates.

Apart from the quarter-sessions and licensing sessions all that remains of the many duties that used to fall upon the meetings of county Justices is a general responsibility for the county prisons and the county asylum. Some of their number also serve with members of the county council on the joint committee which has control of the police.

Next we must notice one peculiarity which belongs to petty and quarter-sessions alike. Although the cases coming before them are most varied, both in importance and in kind, they are all of one class. Every one who is brought before the Magistrates is charged with a *crime*; the law under which he is tried is called the criminal law, and the court is a criminal court. Now the word "crime" in its ordinary sense suggests something really wicked—a serious misdeed; and it may rather hurt our susceptibilities to learn that we are criminals when we allow a dog to run about with unimpeded jaws in defiance of a muzzling order, or when we ride a bicycle after dusk without a lamp. Our dog can easily slip out of the back door and enter the public street, and he prefers to do so without a muzzle. If we are bicycling on a bright moonlight night we can readily overlook the fact that our lamp has gone out. Even the most sober and virtuous citizen may sometimes err in such ways, and when he does so offend, his conscience does not tell him that he is a criminal, and a suitable companion for the burglar and the highwayman. The fact is that the word "crime" has a technical legal meaning. Almost the whole body of law, both common and statute, belongs to one or other of two great divisions—the criminal law and the civil law. All rules for settling disputes between private persons belong to the civil branch. Civil and criminal cases begin in different ways, go, at any rate in the first instance, to different courts, and are tried according to different rules. The main distinction between them is that in one kind of case a single individual, the plaintiff, is trying to get redress for an injury which he alleges to have been done to him by another individual, the defendant; whereas in the other kind an accusation is brought on behalf of the public, on the ground that the accused person has done something contrary to the law, and as the law was made for

the benefit of the public, he has acted against the public interest.

If my fellow-townsmen, William Sykes, has taken possession of my spoons, I may perhaps catch him in the act, or a constable may do so, or detectives may track him down and arrest him; but in any case although I may prosecute him I cannot claim any compensation from him in the criminal court. He has committed a crime against law and order; therefore he will be accused not on my behalf, but on behalf of the King, and so of the whole people; and in all probability I shall not have to pay for the prosecution. The court will order the expenses to be paid out of public funds. If the spoons can be found they will be returned to me. But that is not the chief concern of the court; its object is to find whether Sykes has taken the spoons, and if he has, to punish him.

On the other hand, if my coal dealer has charged me for the best drawing-room coal and has sent me nuts, I can bring a claim against him on my own account. Overcharging is a private (or civil) injury, and can be dealt with in the civil courts. Moreover, as the case concerns me alone and not the public, when once I have set the machinery of the law in motion against the coal merchant, not even the King can stop it until the case has been fully tried. But, on the other hand, I cannot claim to have the defendant imprisoned: I can only claim the return of whatever is due to me.

If it can be shown that the coal merchant has deliberately tried to deceive, and to get my money under false pretences, then he may be tried twice—in a civil court, because of my claim for the return of my money, and in the criminal court because he is charged with fraud. If he is found guilty he will probably have to pay a heavy fine in addition to refunding what to me is due. Magistrates in the petty and quarter-sessions can deal with the great majority of criminal cases; but they deal with criminal cases only, and civil cases have to go elsewhere.

The local court for civil cases is known as the County Court. The name is rather misleading, for the court does not serve a whole county. On the contrary, there are on the **County Court** average about ten such courts in each county—about five hundred for the whole country—and each county is

marked out into districts served with a court apiece. Judges who are specialists in civil law spend their whole time travelling from one district to another to settle disputes in the county courts. The system of county courts is very useful to business men of all kinds—unless they happen to be on the losing side in a dispute—because the courts do their work quickly and cheaply. Before 1846, when the system was started, a business man who wished to recover a debt might have to wait for some months before his case was dealt with, and even then it was quite likely to be held over for a few months longer. He had to pay heavy fees to a lawyer for managing his case and further fees to the court. If the debt was not very large the expense of securing its payment through the court might well be greater than the debt itself, and the plaintiff would lose more than he gained. Consequently it was not worth while to prosecute a debtor unless he owed a large sum. Small debts drifted on for months and years, until the customer chose to pay or the trader grew weary and wrote off the amount as a dead loss. The county courts have saved all this waste and hardship. They save time because, as a rule, there is no jury. If there is a jury the members have to be called and sworn in afresh for each case; after the hearing they adjourn to an anteroom to decide upon their verdict; when they are ready they return to court and report their decision—and all these formalities use up time. In the county court there are seldom any such formalities: the judge decides the cases by himself, and does his work as fast as he can consistently with a fair and thorough hearing. And further, the fees are so small that it is worth while to go to court in order to recover even a debt of a few shillings.

Very often the mere threat of county court proceedings is enough to make a careless customer pay his debts. Because the fees are so low, and cases so easily brought forward, he knows the threat is no idle one; and because the proceedings are so rapid, he knows that he will soon pay under compulsion. Therefore he pays at once of his own accord, to avoid the discredit of appearing in court. If he allowed matters to drift the judge would make out an order against him for the immediate payment of the debt; and if he neglected this order

the Sheriff's assistants—the bailiffs—would soon visit his house, take away some of his belongings, sell them, and use the proceeds to settle the account which he had been too remiss to pay. We need not wonder, then, that the county court is popular with traders.

Another local court is the Coroner's Court, which meets to inquire into the causes of deaths whenever a doctor cannot **Coroner's** certify that the death has been due to disease **Court** or old age. We have described the coroner's work already, and we have seen why it is important. The court does not meet, of course, at regular intervals, but only when an inquest is needed; and it meets, not in a fixed place, but in any convenient building. It is connected with the other courts in this way: if the jury find that some one is to blame, since he has caused the victim's death either deliberately or through carelessness, the accused person is sent to be tried in the criminal court. He will probably come before the Magistrates first, and if they find him guilty they will send him to one of the higher courts. If no one is to blame the Coroner will simply report the cause of death to the Registrar of Births, Marriages, and Deaths, and the matter will go no further.

We have dealt now with all the local courts, except a few survivals which have never been brought exactly into line with the ordinary system. But it may **Assizes** perhaps be said that we have forgotten one very important matter. Every one who lives in a large town has seen reports of the local assizes, and possibly has attended the court, or has seen the judges arrive in state and drive in elaborate carriages to the courthouse, or to an official service in the cathedral or a reception in the city hall. Are not the assizes to be included among the local courts?

The answer is that although assizes are held in various parts of the country they really belong to the central government. Just as the Post Office, which is a central department, has branches all over the country, so the court to which the assizes belong has its branches in the provinces. This court is known as the High Court of Justice. Its headquarters are in London, on the north side of the Strand close

to Chancery Lane. Its purpose is to deal with all the most important cases which arise from any part of England or Wales—with criminal cases which are too serious or too difficult to be settled by the Magistrates, and with civil cases which cannot be decided in a county court.<sup>1</sup> The holding of assizes elsewhere than in London is now nearly a matter of convenience: instead of the parties to a lawsuit and all their witnesses having to travel to London to meet the judge, he comes to meet them somewhere near their own homes. When this custom of sending out judges on tour (or "in eyre") was begun by Henry I and re-established by Henry II it had a deeper meaning. Many of the cases tried by the travelling judges would have been tried, if the judges had not been on the spot, by feudal nobles in their own courts and according to their own ideas of justice. The judges were the King's servants, and it was the King's law, the law of the land, that was administered in their courts. Therefore every case tried by them was a fresh blow at feudalism, and a fresh step towards central government and a uniform system of law for the whole country. Since the time of the Tudors there has been no question of nobles setting up courts of their own as rivals to the High Court, but still the practice of sending round judges has continued, because it saves time and trouble and expense—perhaps also, because it helps to give people in the provinces a sense of the dignity and authority of the central government.

For the work of the High Court, the whole of England and Wales is divided into eight sections, called "circuits." Each circuit is provided with two judges, who visit the chief town of each county in their circuit three or four times a year. The meetings of the courts over which they preside are known as "*assizes*."<sup>2</sup> In the summer and winter assizes both civil and criminal cases are heard. They are heard at the same time, one judge taking the criminal cases in one room and the other judge dealing with civil cases in another part of the building. As a rule the spring and autumn

<sup>1</sup> The county court cannot deal with cases which involve more than £100.

<sup>2</sup> The word "assize" means a "sitting" or "session."



assizes are for criminal cases only. While some judges of the High Court are travelling about the country, others are doing precisely similar work at the central building in London.

### TRIAL BY JURY

A prominent part in all assizes is played by the *juries*. We have already mentioned the service on juries as one branch of government which is undertaken by amateurs. As a matter of fact, jurors are paid a shilling a day for their work, but that is by no means a full compensation for the inconvenience to which they are put, and the loss of time in their private business ; so that to all intents and purposes their work is unpaid. Trial by jury is an institution which goes back to Plantagenet times. Originally, the jurors were men who knew the circumstances of a case, and were called upon to say what they thought about it. They were in some measure both witnesses and judges. But gradually the witnesses were separated from the jury, and for a long time it has been the custom to summon as jurors any responsible citizens, "law-worthy" men, whether they have heard anything of a case beforehand or not. Their sole business is to hear the evidence on both sides, and to judge on the strength of that evidence whether the law has been broken or not. It is better on the whole that they should have heard nothing about the case in advance, so that they may come with perfectly open minds, and may decide purely on the facts and arguments put forward in the court.

Any householder, unless his property is very small, is liable to be included in the list of jurors, and may be called upon at any time to serve on the jury at quarter-sessions, in a county court, or at assizes. But seeing that the work is often inconvenient, and sometimes causes real hardship, the under-sheriff, who has charge of the list, takes care not to summon the same man too frequently ; and it is a common practice for judges to reward the jurors who have attended in a difficult case by granting them exemption from service or a certain length of time. Lists of jurors are kept in each

county or large town, and revised once a year by the Magistrates or the Recorder.

The system of trial by jury has manifest advantages, so that in spite of its inconvenience it is not likely to be abandoned in the near future. In the first place, it takes away any chance of bribery, for no one knows in advance what jurors will serve in any particular case. Further, it teaches the methods of the law to many people who would otherwise see very little of its working, and it brings home to them in a direct and impressive way something of the meaning of law and government. But, above all, it helps to secure fairness. A man who was tried and convicted by officials might complain that they were too anxious to punish him in order to show their zeal for their work, or that they paid too much attention to details and quibbles. But when he is convicted by a group of his fellow-citizens chosen at random, he cannot have any such grievance. They are likely to take a plain, common-sense view of the case; they have nothing to gain by punishing him; and there is a strong probability that any other group of ordinary men would have come to the same decision. As a still further guarantee of fairness the accused is allowed to reject individual jurors if he thinks they would be prejudiced against him; or if he fears that a local jury would not give him a fair trial, he can demand that the case should be heard in London at the High Court. Trial by jury, then, is as fair and as democratic as any system of judgment can be.

Juries are not used in petty sessions. They are commonly used at quarter-sessions and in assizes, although in some cases in which a decision can only be made by persons who have special legal knowledge, the judges sit without a jury and come to a decision on their own responsibility. All cases arising out of disputes about Parliamentary elections are tried without a jury, but in such cases two judges have to be present. The reason in this instance is not simply that the case is likely to be difficult or technical; it is rather that the jurors might be swayed by their party prejudices, whereas the judges, like the King, keep themselves aloof from party politics.

In what sense does a jury try a case? To answer this question we must notice very briefly how a case in the assizes **Method of** or quarter-sessions is conducted. Anyone, whether **Trial** a private person or a public official, can prosecute another person whom he believes to be guilty. But in practice he engages a lawyer to bring the charge against the accused person and to explain to the jury the grounds on which the charge has been brought. The lawyer is known as Counsel for the Crown, because, whether privately or publicly appointed, he acts on behalf of the King—who in this instance, as in so many others, represents the whole people. The accused person has had notice of the date of his trial and he has probably engaged another lawyer, Counsel for the Defence, to support him in the court. Further, all the people whom the lawyers on either side wish to call as witnesses, and a sufficient number of householders to supply juries for the day, have been summoned to attend at the court-house.

When the judge is ready he calls upon his clerk to proceed with the case. A jury is chosen by lot and the clerk (whose title is Clerk of Arraignment<sup>1</sup>) administers the oath or affirmation to the members, that they will "well and truly" try the case. Next the prisoner has to answer the accusation. He has been brought into the court by constables or warders, and placed in the dock, a section of the court enclosed with rails. The Clerk reads the accusation to him and asks whether he is guilty or not guilty. If he pleads not guilty, it is the business of the counsel for the Crown to prove that the accused has broken the law. If he pleads guilty, the counsel for the accused will say everything he can on his client's behalf in order to make the punishment as light as possible.

The case opens with a short address by the prosecuting lawyer, who explains to the jury the general grounds of the accusation. Then he calls witnesses to support what he has said. When he has questioned them they have to submit to a 'cross-examination'<sup>2</sup> by the counsel for the defence—who tries to draw from them information which will go in

<sup>1</sup> Arraignment means charges or accusations.

<sup>2</sup> Cross-examination, because questions are asked by one counsel of his opponent's witness.

favour of his client, the accused. Next he calls witnesses in support of the defence, and when he has finished his questions the prosecuting counsel can cross-examine these witnesses. All this time the judge and jurors are making notes to refresh their memories. When the witnesses have given their evidence the counsel in turn address the jury. Their business is to marshal all the evidence on one side or the other, to show what conclusions it suggests, and in particular to bring out every point in the evidence which favours their own side. Thus the jury hear each side of the case stated as strongly as possible. The problem before them is to decide whether the law has been broken and whether the accused deserves punishment.

This method of debating legal cases before a jury is very old. It was known to the Greeks and Romans, who carried it, indeed, to an extreme. Speakers in the Greek courts made passionate appeals to the juries, reviewing the public services done by themselves and their ancestors, and decrying the character of their opponents. The jurors often voted not for the side that was right according to the law, but for the man whom they preferred personally, or perhaps for the man who had made the best speech. The Romans had more idea of trying questions of law rather than of personal character; but even Roman lawyers were quite capable of weeping in court or claspng their clients in their arms in order to play upon the feelings of the jurors. In the English courts the counsel not infrequently become eloquent and try to arouse the emotions of their hearers. But our method of trial provides a remedy. The jury may at one time be inclined to agree with the prosecuting counsel that they are trying a most wicked and dangerous criminal, and that if they acquit him the fountains of British justice will be dried up and the way opened for endless anarchy and destruction. At another time, when the counsel for the defence is at work, they may feel that after all the prisoner was more sinned against than sinning. But a few minutes later the judge begins his "summing up." He has been a counsel himself, as a judge he has listened to many impassioned speeches, and he has learnt to keep his emotions in check. He reviews all the evidence

calmly, criticizes the arguments of the counsel on both sides, explains exactly how the law stands in regard to the case, and exactly what points the jury have to consider in coming to their decision. In particular he urges that their duty is to ascertain the facts, setting aside their own preferences or dislikes, and to answer the one question whether the accused has broken the law or not. Thus the judge has a most responsible and often a very difficult task. He not only presides over the court and sees that all the business is carried on in a fair and legal manner ; he has also to follow all the arguments and gain a thorough grasp of each case in order to give the greatest possible help and the soundest possible advice to the jury.

When he has finished his " summing up " he sends the jury to an anteroom, where they meet in private. After a short interval they are recalled to announce their verdict. In the meantime they have held a discussion at which one of the members acts as chairman, or " foreman." If they have come to a decision when they are recalled, the foreman announces it on behalf of the whole jury : if not, they have to return and remain in the anteroom until their conclusion is reached. According to common law their decision, or verdict, must be unanimous, and in a critical case it is often a slow and difficult business to bring round all the jurors to the same point of view. Sometimes they cannot agree at all. In that event they are dismissed, and to the great annoyance of every one concerned, the case has to be argued again before a fresh jury. When the foreman has announced the verdict it is left to the judge on most occasions to decide the amount and nature of the penalty.

We have described the procedure in a criminal trial. Civil cases are managed on very similar lines. The chief differences are that, instead of a public prosecution, there is a private accusation brought by a lawyer on behalf of the plaintiff ; instead of a prisoner accused of crime, there is a defendant charged with doing some injury to the plaintiff ; and if there is a jury its business is to decide whether the plaintiff is entitled to any compensation.

In all cases the essence of the system of trial by jury is

that the jurors hear evidence and arguments on both sides, and decide in favour of the side which presents the more convincing case. It is not an ideal method. The object of the lawyers on each side is to emphasize every fact which favours their side and to conceal or make light of the other facts as far as possible; to win a case, not to arrive at the whole truth. The judge's summing up is at any rate a partial remedy; nevertheless the element of disputing and partisanship is a fault in the system of law just as it is in political life.

We can imagine an entirely different system. We can imagine the juries sitting as a committee to inquire into a case with the help of judges and counsel. They could call witnesses, as a Royal Commission does, not to support one side or the other, but simply to give information. The lawyers could help with their knowledge and experience in asking questions and marshalling facts: and when all the information was gathered the committee could form its conclusion. But such a system would have two fatal defects. It would be very slow, for all the work would have to be done in the committee, whereas the lawyers now prepare their cases carefully out of court, and the jury are spared all but the final encounter. Even the present method is inconvenient enough for the jurors, and if they had to sacrifice a much greater amount of time they would often suffer more than the prisoner. In the second place, most jurors would be quite unable to carry out an inquiry in an exact and business-like way. Consequently nearly all the responsibility both of examining and deciding would fall on the lawyers, and the laymen would be little more than idle spectators. The present system, for all its unpleasantness, has the merit of leaving the final decision to the jurors, and of presenting them briefly with a number of clear statements on which their decision can be based. Therefore the cross-examination and the contest of wits are not likely to disappear from the law courts for a long time to come.

We have glanced now at the courts in which nearly all ordinary cases are tried. But our survey is not quite complete. We saw that the assizes are really branches of the High Court of Justice, and that the High Court does business in London as well. The assizes belong,

Central  
Courts

as a matter of fact, to one of three sections of the court. The first section, which deals with cases of a general and not too technical kind, is known as the King's Bench Division. It has at its head the Lord Chief Justice, and it is served, as we have noticed already, by fifteen other judges.

Another section, the Chancery Division, has the Lord Chancellor as its President, and has six other judges. The Chancery Court meets only in London and tries cases relating to guardianship of children and lunatics, and various other technical matters. Because its work is very technical, this court nearly always meets without a jury.

The third section is the Probate, Divorce, and Admiralty Division, which, as its title suggests, deals with a curious assortment of technical cases—those connected with disputed wills, marriage, and seafaring. The strange variety of its work is due to the fact that this court is really a fusion of three old courts. It is controlled by a President and one other judge, and seldom has a jury.

These three divisions, with their twenty-five judges, compose the High Court, but the High Court has not always the last word and does not contain the whole of the central machinery of justice. There still remains the Court of Appeal, which spends all its time in revising cases that have already been tried elsewhere. Although there are some exceptions, it is a general rule that anyone who is dissatisfied with a trial can appeal to have the case revised in a higher court. A man tried in petty sessions has a right of appeal to the quarter-sessions. A man whose case is tried in quarter-sessions or assizes can carry his suit up to the central Court of Appeal, which meets only in London. And, finally, if he is still dissatisfied, and has a large enough fortune at his disposal, he can appeal to the House of Lords. It is an expensive business to have dealings in the Court of Appeal, because only the leading barristers practise there, and the Judges of Appeal are the most experienced and most highly paid judges in the land. It has six special judges—the Lords Justices of Appeal—and they may be joined by the heads of the High Court and ex-Chancellors. As a rule, cases in the Court of Appeal are tried by three or four judges who come to a general agreement

but always, for the guidance of other lawyers, state individually the grounds on which their decision is based. The decisions are nearly always difficult and delicate, and they are often important contributions to the common law.

One other court of appeal exists in this country, but it deals entirely with cases sent from the Colonies. It is called the Judicial Committee of the Privy Council, and it consists of the judges who belong to the Council. It is the only important committee of the Council which has not deserted its parent. The others, as we know, have become Departments of State. But this committee is not controlled by the Cabinet or by Parliament, and therefore, although with the growth of the Empire its importance has greatly increased, it still keeps its old form, and its work is now perhaps the most useful undertaking of the Council.

Appeals have often been made, not on the ground that a court had failed to carry out the law, but on the ground that the law itself was at fault—that it worked out unjustly in particular cases. A special court under the Lord Chancellor dealt with such complaints, and treated them according to its own rules, the rules of *equity*, or general fairness. But nearly half a century ago (in 1873) this special court was abolished and power was given by Act of Parliament to all courts to take account of the rules of equity. Since that time the ordinary courts have not been bound to the rigid enforcement of law, but when the strict letter of the law would plainly be hard and unfair they have been able to temper it with the broad principles of justice. In this way many appeals, and consequently much waste of time and money, have been avoided.

### MERITS OF THE LEGAL SYSTEM

One or two general remarks must be added to this brief account of the Law Courts. In the first place, the sole business of the courts is to enforce the law as it stands: (1) **Independence of Judges**—the rules of equity are the only exception, and the exception is made in the interests of the people to avoid hardship. What is the importance of this state of affairs?



We can give the best answer by referring back to the days of the Tudors and Stuarts. In those days the judges were regarded as the King's servants, and their duty was to carry out the royal will. It was of no use for merchants, such as Bate, to argue that James I had no legal right to deprive them of their trade, or for Hampden to insist that Charles I could not tax him without the consent of Parliament. The judges held that the King's will was above the written law. They held, too, that their first duty was to support the government, for it was the source of all law and order, and as the King was the head of the government they must always support him. Consequently no one could be sure whether the courts would enforce the law or not : the law might at any time prove a broken reed. This evil was finally remedied in 1701 by the Act of Settlement. One clause in the Act provided that judges would be appointed for life and paid fixed salaries. Consequently, ever since the reign of William III, they have been quite independent of the King and Parliament and every one else. And fortunately they have used their independence well, for there has always been among them a strong tradition of impartial justice. This freedom of the courts from interference by the government means that, apart from errors of judgment on the part of individuals, every one is sure of a fair trial according to the existing law.

But it means more than this. The independence of the courts has saved us from another evil. In the seventeenth (II) **Law the** century the judges, especially in the new courts, **same for all** such as the Star Chamber, were very apt to set aside the law in favour of the King and his Ministers. That was, in fact, one of the chief purposes of the Star Chamber. If this custom had been allowed to go unchecked, orders of the Ministers and their officials would soon have become binding upon the courts ; and the departments would thus have developed a law of their own, made independently of Parliament. In all probability this departmental law would have been worked up into an elaborate system, and the new courts would have taken to themselves all cases in which departments or officials were concerned. Thus the ordinary law of the land would apply only to private citizens ;

officials would have their cases tried in their own courts and according to a law made by themselves. In some countries—in France and Germany for example—this process has actually taken place. The Departments of State have their own “administrative law” and a special system of courts, so that a private person bringing a charge against an official has to appeal to an administrative court. He is scarcely likely to get full justice there, for the whole system favours the official against the ordinary citizen. And it not only bears hardly on the private person who goes to law; it also helps to spread a wrong view of the relations between government and people. In every really democratic country the members and all officials of the government are servants of the people. In every bureaucratically-governed country there is a strong tendency to think of the government as all-important, and of the people as its subjects and servants, existing only for its support. This view was carried so far in Germany under the old government that the police had power to fine people on the spot without a trial, and a private citizen had very little chance of securing justice against an official. No true liberty is possible under such conditions, and it is easy to see that these evil conditions, and this false view of the relations of rulers and people, are greatly encouraged by a special system of law for administrative departments. Therefore the checking of administrative law in order to restore the rights of the individual against the government was one of the chief aims of the more progressive German lawyers.

Now we said at the beginning of this chapter that in our own courts law is the master and the individual is the subject; and, remembering this statement, we might be inclined to doubt whether, after all, we are much happier than Frenchmen or Germans in our dealings with the courts. To realize our advantage we must remember as well that our law is made by representatives of the people;<sup>1</sup> and further, that the courts make no distinction between rulers and subjects. A private citizen who brings an action against the Prime Minister or the head of a Department of State has precisely the same treatment

<sup>1</sup> With the exception, of course, of common law. But we have shown already that the common law is not undemocratic.

and the same chance of success as he would have if he were suing his next-door neighbour for the return of a loan of ten shillings.

The great merits of our legal system are, then, that the judges are independent of all other authorities ; that the law  
(III) **Inde-** is absolutely certain ; and that it is the same for  
**pendence** every one, rulers and subject alike. Another  
**of Juries** merit which should be set beside these is the freedom of juries. In the seventeenth century not only were judges looked upon as servants of the government, liable to be dismissed if they offended their master : juries were also liable to punishment if they displeased the judge. But a new principle was established in 1670. In that year William Penn, the famous Quaker statesman, and a friend of his, Captain Mead, were arrested for causing a disturbance by preaching in the open air. They were brought to trial, but the courageous jury refused to find them guilty, because they had clearly caused no disturbance at all. The judge was indignant with the jurors and sent them to prison. But when they were tried in one of the chief courts the judges held that they had acted within their rights. From that time forward the right of juries to decide according to their own conscience has never been questioned. Therefore the trial of Penn and Mead is an important landmark in the history of the courts. In the Central Criminal Court in London—the court in which the trial took place—there is a tablet commemorating the firm stand made by the jurors to secure their own liberty and the liberty of all juries in later generations.

Perhaps it is rather hard to realize the meaning of all these virtues in our law courts. Most of us, fortunately, do not often cross the threshold of a court-house, and the method of conducting trials does not seem to have much importance for us. The fact is, that because the method of trial is satisfactory we have no cause for anxiety ; we can rest assured that if ever we do go to law we shall receive fair treatment. But if it were otherwise, if judges were under the power of the Ministry or the permanent officials, if the Departments of State had laws and courts of their own, if juries were liable to be browbeaten by judges who were

the servants of political parties—then we should soon hear protests arising from our fellow-citizens, and in all probability we should soon begin to suffer in our own persons, and our voices would join in the chorus of complaint.

From all that has been said in this chapter, we may conclude that our system of justice is on the whole very fair, and worthy of a democratic country. That is true, but at the same time the system is not yet perfect. Some courts, for example, are still slow in their methods, and proceedings in them are very expensive. They could, without much loss of efficiency, approach more nearly to the quickness and cheapness of the county court. But in this respect there has been a great improvement during the last hundred years, and the grounds of complaint are not now very serious. The chief defect in our legal system is not in the courts themselves, but in the punishments imposed by the courts. The question of the best method of punishment is one of the main outstanding problems of government, and we shall deal with it in a later chapter.

#### BOOKS

GELDART.—*Elements of English Law.*

MAITLAND.—*Justice and Police.*

## CHAPTER XIII

### EDUCATION

**I**N the Middle Ages the Church was almost the only schoolmaster. Especially in the monasteries were young people instructed, many of them the sons of quite poor people, who in some cases were educated for the priesthood. The revival of learning made education more popular among the well-to-do classes, while the new **Universal Training** emphasis upon the direct study of the Bible, which followed the Reformation, led to a more widespread desire that the people should at least be able to read the Bible for themselves. Kings and Bishops founded schools and colleges, leaving them a sufficient amount of money to continue their work of education, perhaps with the help of fees paid by pupils.

Until the nineteenth century, however, there was no attempt to make sure that every child should have an education. Early in that century there was a great effort to extend education among the poor, but the leaders in the movement relied upon voluntary contributions, especially those of religious men, to support the schools. At the same time the ideas spread abroad by the French Revolution made men reflect that perhaps every child, however poor, had a right to be educated, and people also began to realize that it was a dangerous thing to leave the masses of the people in hopeless ignorance.

Parliament began to make grants for education in 1832, when it allowed £20,000 towards the building of schools, but even then more than half the cost of the schools had to be met by voluntary contributions. From that time up to the present there has been a gradual increase of the

support given by Parliament towards the cost of education and in its control of education. For a long time this support took the form of money given to schools founded and managed by the various churches, and especially by two great religious societies—the National Society and the British and Foreign School Society.

In time, however, it became evident that if all the people were to be educated, and educated properly, the government would have to give much more help. Only a small proportion of the people could afford to pay even moderately high fees for their children's schooling. A good number of unselfish people were willing to contribute something towards the education of the poor; but many selfish people would do nothing in this way unless they were compelled by law. Some even argued that it was not necessary that every child should be educated. This may seem to us a very extraordinary thing, for it is now agreed that every child, however poor, should have at least a good elementary education. It may, however, be well for us to consider the reasons for this present view. There are several. In the first place, on the lowest grounds, it is good sense to educate all our young people, because some education is essential if they are to be efficient workers, and so able to help to contribute to the economic welfare of the whole community. This is a good reason not only for elementary education, but for an adequate provision for technical education. Secondly, there is the consideration for the child himself. For the sake of his own welfare and happiness he must be prepared for life; and not only to earn his living and to fit him for something better than the worst paid unskilled labour, but also that he may enjoy life. This view prevents us from treating the poor child as a mere tool for the production of wealth. His education should prepare him to appreciate and enjoy the best things in life, including good literature, art, and music, so far as he is capable of doing so.

Further, a child is destined not only to be a worker, but a citizen. He is to take his share in the government of the country. Our democratic constitution now gives a vote to nearly every adult, and it would be disastrous if the

government of the country were in the hands of an ignorant people. In this way the welfare of the country depends partly upon the proper training of the rising generation who will be the real rulers shortly.

In many other ways, too, the education, even of other people's children, may be of benefit to a man. A rich man may say: "The education of the children in the slums is no concern of mine"—yet his own children may die of a disease spread by those very slum children, which would never have occurred but for the ignorance of the slum people about matters of health. The education of all in hygiene then, as in many other things, is a very important thing for the country as a whole.

The reduction of crime as the result of education is another strong argument in favour of education for all. It is most remarkable how crime has decreased since the introduction of compulsory education. The more schools we have built the fewer prisons we have needed.

There are many good reasons then why every child should be educated. But if this had to be so, education had to be made compulsory. For some parents would take a selfish view, and want their children to earn money instead of going to school; and others would be too ignorant to understand the value of education. Hence the State has to make education compulsory for all. But if compulsory, it followed that it must be free: otherwise the poorest parents might reasonably say they could not afford to educate their children. And also if, as we have seen, it is of such great benefit to the country as a whole that all should be educated, it is a wise expenditure of public money to secure such education.

If the government then had to help education, what was the best way to do so? Here a very important question had to be settled. Should each town or county **Central and Local Authorities** manage its own educational affairs, and raise money for them, or should the central government, through an education department, control all the schools in the country, and support them by funds granted by Parliament?

This question has been settled by a compromise—a method so often followed by the British people. Parliament has set up a Board of Education with a Minister, the President of the Board, as its head. Through this Board Parliament makes large grants for the support of schools and colleges. The Board, before it makes grants to a school, insists on its giving evidence of efficiency. For this purpose it sends its inspectors to the schools to see that they are properly staffed with teachers, and that the buildings and school apparatus are satisfactory.

The borough and county councils, however, have an even greater share in the provision and control of schools. We will discuss the powers and duties of the borough council: those of the county council are practically the same. The borough council has to see that there is sufficient accommodation in the elementary schools for all the children of the town who wish to use them. If there are not sufficient schools, it has the right to build new ones. Indeed, it is compelled to do so if necessary. It also appoints teachers to its own schools and pays their salaries. It carries out all this work through its Education Committee. This consists of men and women specially selected for the purpose from the members of the city council itself, and also of a number of persons outside the city council who are selected by the council because of their special knowledge of, or experience in, educational matters. These experts often include some experienced teachers. Thus, the Education Committee, whilst not being itself a body of experts in educational matters, always includes a few who are supposed to be able to give such expert advice. The borough council also appoints managers over each of the council's elementary schools to deal with matters of detail, and to form a link between the schools and the Committee.

There are at least two advantages in this control of education by the local authorities. In the first place, they know the particular needs of the neighbourhood, and can adapt the education given in the district to those needs. And owing to the education in a town being arranged and managed by representatives of the citizens, those citizens



take a greater interest in the schools than they otherwise would. It must be confessed, however, that some citizens show their interest chiefly in trying to keep down the money spent in education, so that they will not have to pay so much themselves towards it.

This leads to the question of finance. For the purpose of supporting its schools the borough council has the right to impose an education rate upon the inhabitants of the borough. Unfortunately the poorest districts, where there are a large number of people living in very small houses and earning low wages, are just the districts in which the largest numbers of elementary schools are needed. It would thus be very hard for them to pay for satisfactory schools. It is here that the help of the State comes in. The grant of the central government to the borough council is greater to those boroughs which have the largest number of children to provide for, and also it is more generous to the poorest boroughs, that is, to those in which a rate of, say, a penny in the pound produces less than it does in more well-to-do boroughs. We have stated this in a very rough form. The actual arrangement is that the Board of Education pays to the borough council 36s. per annum for every child in the elementary schools, less the amount which is produced by a sevenpenny rate. Thus, the rich boroughs which have a large number of houses of high rental, that is of high rateable value, and in which, therefore, the sevenpenny rate would raise a large sum, will get a considerable amount deducted from the 36s. per child. On the other hand, the poor boroughs with large numbers of elementary school children will get a large number of sums of 36s., and will not have so much deducted, as the sevenpenny rate would not give so much in their case. The government grant, however, is still more complicated. In addition to the sum already referred to, the government pays three-fifths of the amount given in salaries to teachers by local authorities, and one-fifth of all other expenditure. Why this complicated arrangement? It is because it has been found that local authorities tend to think too much of the importance of buildings and apparatus

and too little of the importance of the teacher. A fine school building is something to show for one's money, whereas the personal influence of the teacher is a thing which cannot be demonstrated to the eyes. Thus the ratepayers themselves think they are getting something for their money when they see fine school buildings to which their children go. Experienced educationists, however, know that while healthy buildings are very important for the work of education, a good teacher is more important than a fine building. For this reason, Mr. Fisher, in his Education Act of 1918, has so arranged the grant that it will encourage the payment of good salaries rather than the putting up of elaborate buildings.

We have still, however, to refer to an important class of schools provided by the various churches or voluntary **Voluntary** societies. These had done very good pioneer **Schools** work, and those who had supported and still did support them, were very anxious that religious instruction of the type which had been given should be continued. On the other hand, many people felt that the general public could not be expected to pay rates for schools over which they had no control.

Again the question has been solved by compromise, though it cannot be said that all are satisfied with the present arrangement. Suppose there is a school which had been founded and managed by Roman Catholics. This school cannot hope to compete in efficiency with the council schools if it does not receive some grants from the rates. On the other hand, if it is to receive some grants the public must see that the community is getting adequate return for its expenditure. Furthermore, a Protestant could hardly be expected to contribute to rates which go towards the teaching of Roman Catholic doctrines. On the other hand, if the school is handed over entirely to the local authorities, what guarantee could there be that the parents of these children who wish them to be trained in Roman Catholic doctrines will have their wishes complied with? Furthermore, the various churches point out that they have spent large sums of money in the past in educating many children not members of their own churches,

and some return is reasonably claimed for this service and also for the school buildings which they continue to provide. The compromise at present adopted is as follows : grants of money both from the central government and from the local rates are paid to these schools (which are called non-provided, or voluntary schools), just as they are to council schools. As a guarantee of efficiency both the local authorities and the Board of Education may inspect the school ; but of the managers who are appointed to manage the voluntary schools, two-thirds are appointed by the church which provided the school, whilst one-third represent the local authorities. These managers appoint the teachers, and may dismiss the teachers, but the local authorities may refuse to agree to the appointment of a teacher if they do not think him efficient. They cannot, however, refuse consent on religious grounds. The local authorities must also give their consent before a teacher can be dismissed by the managers of voluntary schools, unless the dismissal has something to do with the teacher's qualifications for giving religious instruction. The religious instruction of the school is under the managers, and as we saw that the majority of these are appointed by the church authorities, the continuance of the religious teaching is guaranteed. On the other hand, the efficiency of the school as a means of educating the young people to play their part as citizens of the community is safeguarded by the local authorities and the Board of Education. In return for all the privileges of management, the church authorities concerned provide the school building free of charge, and keep it in general repair, apart from damage due to fair wear and tear.

So far we have dealt only with elementary education, which does not go beyond the age of fourteen. What provision is made for older pupils ? By the important **Continuation Schools** Education Act of 1918, introduced by Dr. H. A. L. Fisher, it is made compulsory that a pupil on leaving an elementary school shall pass into either a secondary school or a continuation school. If he goes to a secondary school he must attend a full school-day until he is sixteen. If he goes to a continuation school he is not required to spend in the school more than eight hours a week for forty weeks in the year, or

three hundred and twenty hours in all. The rest of his time he may give to any trade or business he wishes to learn. The education at the continuation school will be partly of a nature to help him in his occupation, but it will partly be planned so as to improve him physically, and also so as to prepare him for the enjoyment of leisure in the best ways.

This reform of Mr. Fisher's is extremely important. Previously most young people were left without any further education after the age of thirteen, or even twelve, with the result that much of the benefit of their earlier schooling was lost. Furthermore, the years from fourteen to eighteen are exceedingly important ones. Habits we then set up may determine the rest of life, and young people at this age are now capable of understanding many things which could not be taught them at the elementary school. The period is especially important if they are to be prepared for intelligent citizenship, and there is little doubt that the time will come when people will look back with surprise at the days when we allowed adolescents of fourteen to go without any further education, just as we now look back with amazement at the time when young children of nine or ten were allowed to work in the mines twelve hours a day.

These new continuation schools are also to be provided by local authorities, but in view of the difficulty of providing so many schools and teachers all at once, the full requirements of the Fisher Act will not come into force for several years. The local authorities may also, and do already, provide technical schools in which young people may improve their qualifications for various kinds of occupations, such as engineering, building, architecture, and commerce.

We have still to consider another type of school—the secondary school. In these schools the ages of the pupils range from **Secondary** about seven or eight up to seventeen or eighteen or **Schools** nineteen. The real difference between a secondary and an elementary or primary school is this, that in the primary school the schemes of work were arranged on the assumption that the child's schooling would cease about the age of thirteen or fourteen, whilst in the secondary school it is assumed that the pupil will remain until he is at least sixteen. This results

in a good deal of difference between primary and secondary school work even up to the age of twelve or thirteen. Thus it is hardly worth while starting a foreign language if a boy is to leave school at thirteen, whereas in the secondary school one, two, or even three languages are sometimes started before that age. Now that the continuation school is compulsory, however, we may see some changes in the scheme of work in primary schools.

It was naturally the more well-to-do people who could afford to let their children remain at school till the age of seventeen or eighteen. And normally the secondary school is partly supported by fees paid by the parents. But many of these schools are endowed: that is, they own land or money left them by wealthy men to help the school to carry on its work, or to enable it to charge lower fees than it would otherwise have been able to do. The men who endowed such schools usually left directions as to certain ways in which the school had to be conducted, and sometimes as to who were to be the governors of the schools. It is part of the duty of the governors of such schools to see that the founder's wishes are carried out.

Finally, many secondary schools are owned by the head master or mistress and are run for their private profit.

The government did not begin to assist or control secondary education for a considerable period after it had taken elementary education in hand. Secondary education was supposed to be able to look after itself. But for several reasons it began to appear desirable that the State should concern itself with secondary education too. In the first place, the making of education compulsory for all, and the great improvement in elementary education, led to there being more parents who wished their children to continue their education beyond the elementary schools stage; and others began to realize that it was a wastage of good brains if clever young pupils were unable to carry their education beyond the elementary schools for lack of means. People could also see what an improvement in general efficiency was made in the elementary school system when money was given for it from public funds.

The result has been that local authorities are now allowed to raise money by rates to help secondary education, and to found municipal and county schools of their own.

Scholarships are also provided to enable capable children from the elementary schools to go to a secondary school, and in many secondary schools a certain proportion of free places must be reserved for scholars from elementary schools. The result is that of all the pupils in secondary schools in England and Wales about half are now ex-pupils of elementary schools. By Mr. Fisher's Act of 1918 it was provided that adequate provision must be made by the local authorities so that no young person shall be prevented through inability to pay fees from having any form of education "by which they are capable of profiting." This will probably result in a large increase in the number of children of poor parents who will be admitted to secondary schools and universities without payment of fees.

The universities complete the educational ladder, and as there are now many university scholarships given by secondary schools, or offered by the universities themselves, a really clever boy or girl can proceed from the elementary school through the secondary school and to the university with little expense to his or her parents. Probably these facilities will be increased in the future, especially by the "maintenance grants" which the Fisher Act allows local authorities to make to deserving pupils.

Neither the central government nor the local authorities have much to do with the control of universities. They are self-governing bodies with certain rights and privileges (e.g. to grant degrees) given them by Parliament. Most of them also are well endowed. Parliament, however, grants certain sums annually to most of the universities, and so also do many of the local authorities, the council of the town in which the university is situated, or the councils of the adjoining counties.

It is important to bear in mind that the whole country gains by higher education, especially of those who are to be its leaders in thought and action, its teachers, writers, and scientists. And the whole country is benefited by the discoveries that are constantly being made by our scientists in the universities. The patient work of a few researchers

in medicine, for example, may result in the saving of many lives and of an incalculable amount of pain and suffering.

Hand in hand with educational progress there have come other reforms which have improved the lot of children in these islands. Early in the nineteenth century little children of six years of age could be employed for the whole day in factories and even in mines. Conditions were so hard that many of them were crippled or deformed for life. Gradual advances were made during the nineteenth century until now many restrictions are placed upon the employment of children. The Education Act of 1918 forbids all employment of children under twelve, nor may any school children (under fourteen) be employed before the close of school, except in those kinds of work specified by a local authority, which may be done for not more than one hour before school. It was found that the employment of young children in delivering milk or papers for several hours before school unfitted them for their studies. Even when a child is employed within the above legal limits, the local authority may interfere if the medical officer reports that any child is so employed as to interfere with his school work.

Another great hindrance to satisfactory school work was found to be the underfed condition of some poor children, and their suffering from defects of vision or hearing, or from various diseases. Hence in 1906 an Act was passed allowing local authorities to provide meals for underfed children, recovering the cost from the parents as far as possible; while in 1907 an Act was passed providing for the medical inspection of school children. By the Act of 1918 provision is made for the medical inspection and treatment not only of elementary school children, but of pupils in municipal secondary and continuation schools.

The attitude towards the child who commits some crime has also greatly changed during the last century. Young children were frequently imprisoned for petty thefts—and even sentenced to death or transportation. We now seek to do more by prevention, and even when a child has once gone astray we avoid branding him as a criminal as would be done

if he were sent to prison ; instead he may be remanded with a caution under the First Offenders Act, or sent to a reformatory school. It is found that the great majority of pupils who have passed through a reformatory school live an honest life afterwards.

#### BOOKS

Text of *Education Act*, 1918.

H. A. L. FISHER.—*Speeches on Educational Reform*.

FINDLAY.—*The School*.

GRAHAM BALFOUR.—*Educational Systems of Great Britain and Ireland*.

KIRCHENSTEINER.—*Education for Citizenship*.



## CHAPTER XIV

### TAXATION

**I**N nearly every one of the previous chapters we have met with some fresh work of the governing bodies—road-making, public health, police and law courts, education, and many other things. It needs no effort of imagination to see that these works can only be carried on at a great expense: the difficulty is rather to make any sort of mental picture of the huge sum spent by government every year. As a matter of fact, the cost is greater than anything in our study would suggest. We have dealt only with government inside our own country, but we have said nothing of our relations with other countries: consequently we have left out of account the work of the Army and Navy, which is far more costly than any other branch of the government's undertakings. Even in normal times before the war about an eighth of the wealth produced in the United Kingdom each year was spent by public bodies, and of this sum about half went to pay for national defence. During the war the amount spent by public bodies grew to something like three-quarters of the national income.<sup>1</sup> Since the restoration of peace it has fallen considerably, but for many years the proportion will probably be as high as a fifth or a quarter. Therefore the supply of money to governing bodies is important for its sheer bulk. It is a matter,

<sup>1</sup> This statement needs a little explanation. Most of the money spent by government during the war was borrowed, and, especially in the later years, a considerable part was borrowed from other countries. Moreover, a large amount was lent each year to our Allies. So that not all the money spent was raised at home, and not all the money raised was spent at home.

too, which affects each one of us—or at least every grown-up person—because so much of our own private income is taken away for the use of government; and it concerns the more fortunate among us, who have been able to lend money to the government, because we get something back as interest on our loans. To members of public bodies and departments the supply of money is more than important, it is essential, for without money they could not carry on their work for a day. And even children have some personal interest in the matter, for they pay a tax on the sugar used in the manufacture of their sweets.

In this chapter and the next, we shall have to find how both the central government and the local councils raise **Sources of** their income.

**Revenue** We will take first the income of the central government. A Ministry, faced with the problem of paying for the work of all the Departments of State, might find a solution on various lines. In the first place, they might *ask* for subscriptions, as many hospitals and other institutions do; or they might *earn* money, as private persons do, by engaging in trade; or again, they might *take* as much as they wanted without asking leave. In practice all these methods are used. The first, however, only appears in an indirect way. It very rarely happens that anyone sends money as a free gift to the government. But on the other hand, many people pay liberally for the upkeep of hospitals, schools, libraries, and museums, or give help privately to poor persons. If they did not give their money voluntarily some public body would have to pay instead. Therefore, such public-spirited people, although they do not hand over their money to any governing body, are in a sense taxing themselves for the good of their fellow-citizens, and are saving the public bodies a certain amount of expense. It has been suggested that raising money by voluntary subscription would be the ideal method of meeting the expenses of government, but no government would be likely to get more than a trifling fraction of its wants supplied in this way. Most people will contribute something to the

Red Cross, or a holiday camp for poor children, or anything else that calls out their sympathy or their feelings of chivalry. But an appeal for funds to carry on the work, say, of the Local Government Board or the Home Office would hardly stir the emotions in the same way, however necessary and admirable the work of these departments may be. And even if the money were forthcoming, this system would not be satisfactory, for the whole burden would fall on the public-spirited people, while the mean and selfish would contribute nothing.

The second method—raising funds by means of trade—is shown in the case of the Post Office, which provides the government with a net profit of many million pounds a year. Some other governments have undertaken a wider range of trade, and act as railway companies, tobacco manufacturers, and timber merchants. In the first and third of these enterprises they have done very well as a rule: in the tobacco trade they have not been so successful. During the war our own government made a very large quantity of munitions; constructed new shipyards; and bought or built many public-houses and distilleries, on which it has made a handsome profit. It has also bought great supplies of sugar and other foodstuffs—but the object in this case was to keep down prices and to ration the food rather than to make a profit. The government also has shares in trading concerns—especially the Suez Canal—and owns large stretches of land which used to be the private property of the kings. How much further our government, or any other, may go in the future it is impossible to say. At the present time only a very small part of its income is derived from trade or from public property. If the trading activities grow much greater, Parliament will have to be careful in one matter: it will have to keep the departments well under control. If several departments made large profits and the government were chiefly dependent on their profits for its income, these money-making departments would naturally become very important and powerful, and there would be a danger that the departmental officials might gain more than their due share of influence, while Parliament

correspondingly lost its authority. To avoid this catastrophe Parliament would probably set a committee over each department, and would insist that all the earnings of the departments should be paid (as are those of the Post Office) into a central fund under Parliamentary control. We have seen already that as long as the kings were able to raise money on their own account and spend it as they liked, they had absolute power in the country; and we have seen that since the seventeenth century Parliament has held authority over the whole nation, including the executive part of the government, because it holds the purse-strings. So it will be in the future: those who have charge of the public money, whether they are Members of Parliament or officials, will have the last word in matters of government. Once again we are faced with the problem of democracy and bureaucracy.

At present Parliament holds sway without question, because most of its income is raised by the third method; it is taken directly from the people in the form of taxes, and the whole business of taxation is under the control of the House of Commons. The revenue of our government, then, consists of a small proportion made out of trading profits, and interest and rent from public property; and a large proportion composed of taxes. Therefore, the problem of paying for the work of government is chiefly a problem of taxation, and that is why taxes form the subject-matter of this chapter.

From the point of view of government, the simplest method of raising taxes would be to take the same amount from each person. If, for instance, £500,000,000 had to be raised from 10,000,000 taxpayers, each would be called upon to give £50 towards the cost of government. But many persons could not afford to pay even half that amount, while others could easily pay some hundreds or thousands of pounds. Therefore, in order to treat every one fairly, the taxing officials would have to find out as nearly as possible how much each person could afford to give, and charge him accordingly. For reasons which we shall discuss later, no government has ever succeeded in collecting its revenue

in this way, by means of a single tax.<sup>1</sup> It has always been found necessary in practice to raise taxes in several different ways, and our own government at the present time levies eight or nine different kinds of taxes.

The most important of all is the Income-Tax, which is estimated in the present year (1918-19) to yield £290,000,000—far more than all the other taxes put together.<sup>2</sup>

**Income-Tax** During the war it was vastly increased, and for a long time to come it will certainly be the main source of revenue for the government. It is interesting to notice that a war—the Napoleonic War—caused the first levying of the income-tax one hundred and twenty years ago. The government at that time was in great difficulties: it was heaping up a debt day by day at a rate which caused intense alarm, and customs, excise, and all other taxes were so high that they obviously could hardly go higher. Therefore Pitt was driven, as a war measure, to impose a temporary tax on incomes. The old property taxes had long been abandoned, and they were so clumsy that no one wished to revive them. On the other hand, it was absolutely necessary for the government to take a large sum in taxation directly from the pockets of the well-to-do. And although their property could only be valued roughly and with great difficulty, their incomes could be found out with comparative ease and certainty. Thus the idea of a tax on income naturally suggested itself. At first its yield was not quite satisfactory, but when the machinery for collecting it was in working order, and especially when the rate was raised from 1s. in the pound to 2s., the result was remarkable: in the later years of the war the taxes covered the whole expense of governing the country and carrying on the campaigns by land and sea. At the end of the war there ought to have been a period of "reconstruction," and the

<sup>1</sup> During the war the tax on *excess profits* brought in more revenue than any of the others, but as it is only a temporary tax we need not deal with it here.

<sup>2</sup> In the case of the earlier poll taxes during the Middle Ages, an attempt was made to take the same amount from all individuals, rich and poor alike. But the collection proved so difficult that the later poll taxes were more or less graded according to the wealth of the payer, and the poll tax was, of course, only one tax among many.

income-tax ought to have been a great source of strength to the government in the work of reform and in paying off the National Debt. But for nearly twenty years after the war there was hardly anything that could be described as an attempt at reconstruction ; and the Members of Parliament at that time were no more anxious than their greatgrand-fathers had been to tax the wealthy classes. The Ministry proposed in 1816 to keep an income-tax of 1s., but the House of Commons refused and the tax was dropped.

Nevertheless Pitt's experience had shown how useful such a tax might be in a time of crisis ; and another crisis arose in 1842. At that time Sir Robert Peel, one of the greatest statesmen of the nineteenth century, was beginning the remarkable series of reforms which included the Repeal of the Corn Laws and the abolition of nearly all the customs duties. To take the place of the duties which he was removing Peel fell back on the income-tax, and once more it proved a strong support ; for it not only made good the loss of customs duties, it also left the government with a handsome balance in hand. From that time the income-tax has never been abandoned. Gladstone, who held firmly to the principle of leaving wealth in private hands and taking as little as possible for the government, hoped to reduce it further and further until it disappeared. But the growing cost of government, increased at a bound by the Boer War, and then increased beyond all example by the European War, has made its abolition quite impossible. The rate of the income-tax has risen rapidly : at present the lowest rate is 2s. 3d. in the pound, and it may rise still further in the near future.

We cannot stop to study the income-tax in detail, and it is not worth while to do so, because the details are very complicated and they are changed almost every year. In the first place, it is only charged on incomes of over £130 a year : we have seen already why it is not thought desirable to interfere with smaller incomes. Secondly, a higher rate is charged for " unearned " than for " earned " incomes. A man is said to earn whatever comes to him as wages or salary, or profits from a business in which he is actually engaged. Rent of land or houses and interest on investments are classed as

unearned. Thirdly, as the level of income rises the rate of the tax rises as well. On an earned income of less than £500 the rate is 2s. 3d. in the pound, on £1000 it is 3s. 9d., and on incomes larger than £2500 it is 6s. A further complication is that men with comparatively small incomes do not pay a tax on the whole amount. For example, if a man's income is £400, the collectors subtract £120 and only charge him the tax on the remaining £280. If his income is £600, they subtract only £100, and he has to pay the tax on £500; and anyone who has more than £700 a year pays on his full income. The effect of this complication is clearly to relieve the smaller incomes of some of their burden. But if the small incomes are relieved, the burden is piled more heavily on the large; for in addition to the ordinary tax there is a "super-tax" on incomes above £2500, and the rate of this super-tax grows as the income rises. Thus the whole amount—ordinary tax and super-tax together—paid on £3000 is £962, 10s., rather less than a third of the total income; on £10,000 the tax is about two-fifths of the income (£4187, 10s.), and a man with £100,000 a year has to pay more than half his income (£51,437, 10s.) for this tax alone, in addition to anything that he may pay in taxes of other kinds.

There are several other interesting features of the income-tax, which all add to its complexity. For instance, if there are several people in a household who live on one person's income—a man's wife and children or any other dependent—the tax is reduced according to their number. And to encourage people to make provision for their own old age and for their families, a generous allowance is made for money paid as insurance premiums.

Next in importance to the income-tax are Customs duties—taxes charged on certain kinds of goods coming into the country or exported from it—and Excise duties, which are similar taxes levied on goods (chiefly alcoholic drinks) made and sold at home. Customs duties have been collected for many centuries: in fact, they are so old an institution that no one knows exactly how or when they began. They are based either on the quantity or the value of goods coming into or leaving the country—so

many pence for each pound of weight or each shilling or pound of price. In the Middle Ages the kings regularly took Customs duties at the ports. In principle the duties were to be used for the benefit of the merchants—they were intended to pay for guarding trading vessels from pirates : but that principle did not greatly trouble the kings. They either pocketed the Customs dues as part of their ordinary income or used them to pay their debts. Private persons who had lent money to the king were often allowed to take the Customs duties for a certain length of time as a return for their loan.

In the reign of Charles II, when Parliament took control of finance, the whole of the Customs passed into its possession, and in the hands of Parliament the duties grew persistently.<sup>1</sup> Customs duties reached their greatest height at the end of the Napoleonic War : almost every kind of goods ever brought into the country from abroad was taxed, and in many cases the tax was much higher than the value of the goods themselves.

This is Sidney Smith's account of the state of taxation at that time :

" Taxes upon every article which enters into the mouth, or covers the back, or is placed under the foot—taxes upon every thing which it is pleasant to see, hear, feel, smell or taste—taxes upon warmth, light, locomotion—taxes on everything on earth, and the waters under the earth—on everything that comes from abroad or is grown at home—taxes on the raw material—taxes on every fresh value that is added to it by the industry of man—taxes on the sauce which pampers a man's appetite, and the drug that restores him to health—on the ermine which decorates the judge, and the rope which hangs the criminal—on the poor man's salt and the rich man's spice—on the brass nails of the coffin, and the ribands of the bride—at bed or board, couchant or levant, we must pay. The schoolboy whips his taxed top ; the beardless youth

<sup>1</sup> Their growth was partly due to the increasing cost of government, but partly also to the fact that the House of Commons, consisting largely of landowners, was not willing to increase the land tax, but preferred to spread the burden over the whole people. (See below, p. 185.)



manages his taxed horse, with a taxed bridle, on a taxed road, and the dying Englishman, pouring his medicine, which has paid seven per cent, into a spoon that has paid fifteen per cent, flings himself back upon his chintz bed, which has paid twenty-two per cent, makes his will on an eight-pound stamp, and expires in the arms of an apothecary, who has paid a licence of £100 for the privilege of putting him to death. His whole property is then immediately taxed from two to ten per cent. Besides the probate, large fees are demanded for burying him in the chancel. His virtues are handed down to posterity on taxed marble, and he will then be gathered to his fathers to be taxed no more."

In the next forty years there came a remarkable change. The great mass of the public, and a majority in Parliament, came round to the view that these duties were not only a burden on the people, but also a serious hindrance to trade. Therefore they were first lowered, and later, swept away by the hundred, until in 1860 hardly any of the duties were left. The position has remained practically the same down to the present day. The goods on which Customs duties are regularly charged are : tea, coffee, cocoa, tobacco, and alcoholic drinks. Not one of these goods is absolutely necessary, so that the duties on them do not cause real hardship, as taxes on corn or meat or milk would do. At the same time they are all (in normal times) so cheap that even when their price is increased by a tax nearly every one can afford to buy them. Therefore they are very widely used, and as a result the taxes on them bring in a large return. During the war the duties have been made much heavier, and taxes on sugar, motor spirit, and dried fruits have been added. Seeing that sugar is a most valuable article of food, which ought to be made as cheap as possible, it is to be hoped that the sugar tax will soon be removed. The stiffening of Customs duties during the war has more than doubled the revenue from this source ; the tobacco tax alone now brings in almost as much as the whole of the Customs before the war.

It is a remarkable fact that although the French Government taxes a large number of goods, our few Customs duties

yield more than the whole large tariff in France. In the eighteen-forties, when Sir Robert Peel was preparing the way for free trade, it was found that out of the thousand goods which were taxed at that time seventeen brought in 97 per cent of the revenue. The most productive of these seventeen duties have been kept and the rest have been abolished.

Early in the present century, and again during the war, the proposal has been made to increase our list of Customs duties once more, either to benefit particular industries or else to benefit our trade with the Colonies. We cannot inquire into the merits of this proposal here. The question of the tariff is partly a matter of economics and partly of politics. On its economic side it raises very difficult problems, problems which can only be fully understood by really advanced students, although they are often discussed with assurance by people who have never studied economics at all. On the political side it is a question of our relation with foreign countries and with the Colonies ; but in this volume we are only dealing with home affairs.

Until about a hundred years ago there were many Customs duties on *exported* goods. They were levied as a matter of policy, to prevent useful goods from being sent out of the country ; but in the nineteenth century it came to be realized that if we did not export useful things we should get none in return, and by the middle of the century nearly all the export taxes had been abolished. Once or twice since 1850 attempts have been made to levy a tax on coal shipped out of Great Britain ; but this tax injured the coal trade so much, and brought so little revenue, that the experiment did not last long, and now we have no export duties at all.

Excise taxes, as we have seen, are very similar to Customs, but they have a different history. They were first levied in 1643 to help the Parliamentary side in the Civil War. The Tudor and Stuart monarchs had been in the habit of granting monopolies—that is, of allowing a particular person or company to have the sole right of dealing in some kind of goods. This right was only given in return for a handsome payment ; and sometimes, in return for further consideration, the King would allow some one else to infringe

the first person's monopoly. Now these payments were very much like a tax on the goods, or at least a licence for the right of selling them, and it was the monopolies that first suggested the idea of an Excise (although as a matter of fact the idea did not first occur to Englishmen : it was copied from the Dutch). Parliament had a strong objection to monopolies, because they enabled the king to raise money on his own account ; but it had no qualms about levying taxes itself on the sale of goods. Therefore, in the crisis of the Civil War, it fell back on this device. At first only drinks were taxed ; but Parliament realized that it had struck a rich vein of wealth and the Excise soon grew. I have before me as I write a paper printed in 1657 giving Cromwell's Excise tariff for that year : it already contained over twenty different kinds of goods, including all the chief metals, starch, soap, and salt. The salt tax was afterwards a great source of contention, for it bore very heavily on poor people who needed it for preserving their meat. As we should expect, the Excise duties grew larger and longer in the eighteenth century and shrunk again with the Customs tariff in the nineteenth. The Excise duties proper now consist very largely of taxes on beer and spirits made in Great Britain ; but in the official accounts a whole group of taxes are classed with the Excise duties—licences of all kinds—the new entertainments tax, and some others.

Another tax on goods, also copied from the Dutch, is the special duty on houses. It was first levied just before 1700 to help to pay for William III's war against Louis XIV of France, and it has remained ever since. But in comparison with the huge income from Customs and Excise this tax is a very small affair.

A more important group of taxes which now yield about £30,000,000 are the Estate Duties, levied on the total amount of a person's property at his death, with additional payments by each legatee on the share which he or she inherits. They are a very good form of taxation, because they strike a man's property only when he is dead and do no serious harm to his heirs, because small fortunes are not taxed at all and moderate fortunes are only taxed lightly. The duty falls heavily on the estates of really rich men, but their relatives

are generally well-to-do already, so that the effect of the tax is, as a rule, only to deprive wealthy people of part of a windfall which they do not urgently need. Further, most people who have fairly large fortunes make an arrangement with an insurance company, by which they pay instalments each year to the company while they are alive, and when they die the company pays the whole duty on their estates.

Finally, it is worth while to notice that the inheritance of large fortunes is the chief cause of inequality of wealth. If all men had to live on their own earnings or their own savings, some would have rather larger incomes than others, but the difference would not be very great. There are some self-made millionaires, but most of the great masses of wealth that exist in private hands have been built up by one generation after another and handed on from father to son, and have often been increased by marriage with rich heiresses. Now the possession of wealth need not in itself be an abuse—everything depends on the way in which the wealth is used. And it is certainly much worse that one man should be poor and unemployed than that another should be rich and successful. But the fact remains that a man who has an unusual amount of wealth has also an unusual amount of power over his fellow-men; and, indeed, most of those who are anxious for wealth desire it not so much for its own sake as for the power which it will bring them. Therefore, even in a country so democratic as ours, there are some men who have quite as much power as feudal nobles used to have, and they possess it not because they have been entrusted with it by the people, but because they are wealthy. They have not, it is true, either serfs or law courts of their own; their influence is of a subtler kind, but it is none the less real. Moreover, wealth passes, like feudal rule, from father to son, and if the father uses it well the son may use it recklessly and for selfish ends. It is easy to see, then, what a danger lies in the custom of inheriting wealth, and in the large fortunes which result from the custom. For a very long time this danger has been admitted. The ancient Romans made a law—though they failed to enforce it—limiting the amount of land that any one could own. The peasants who revolted in 1831 had vague ideas about equalizing wealth; so, too, had

many who preached equality in the French Revolution ; and Harrington, the great democrat of the seventeenth century, made a definite proposal that both the amount of wealth which any one person might hold and the amount which he might inherit should be restricted by law. We have not yet put that suggestion into force, and it would be very difficult to do so, for the desire to lay up wealth for those of our families is still a great spur to enterprise, and it is at least arguable that to check that enterprise for the sake of preventing large fortunes would do more harm than good. A limit may be set to inheritance sooner or later, and the estate duties show that we are moving in that direction. We have reached the stage of realizing that large fortunes, and especially inherited fortunes, are very suitable objects of taxation ; and further, that it is right to make the tax grow with the fortune—so that the larger the fortune the higher the proportion of it that is taken out as a tax. In technical language we have made the estate duty *progressive*.

A peculiar kind of tax, more or less like the Excise, is known as the Stamp Duty. We all know that penny stamps are affixed to receipts for amounts over £2.

**Stamp Duty** Many documents of other kinds—cheques, deeds of partnership or apprenticeship, deeds for the transfer of land, and all manner of trading agreements—have more expensive stamps, either fastened with gum or embossed on the forms themselves. For these purposes the chief post offices keep a wonderful variety of stamps—a far larger variety than most people are aware of ; and anyone who makes an agreement buys a stamp at a price which depends on the nature of the agreement, and often on the amount of money involved. The price paid is a kind of tax. But why is this charge made, and why are we willing to pay ? The explanation is that no such document is legal unless it is stamped. Let us suppose that I have paid a tradesman's account for, say, £3, and he has given me a receipt without a stamp. The tradesman is dishonest enough to send in the account again and I refuse to pay. He charges me in a county court, and I bring the receipt to the court to prove that I have paid already. Since the receipt has no stamp

the judge will not, and cannot, accept it as evidence, and he will be bound to make me pay again. And so it is with all the other documents: none of them is legal unless it is duly stamped. For this reason the stamp duties are very economical to the government. They are said to "collect themselves." There is no need to keep a body of officials to force us to buy the stamps, because we buy them regularly in our own interests. The stamp duties bring in rather more than £8,000,000 a year.

The oldest tax of all is the land tax. In the early Middle Ages land was by far the most important form of wealth—**The Land** that is the reason why feudalism was based on **Tax** the ownership of land. Consequently when a king wished to raise money—usually to pay for a war—it was natural that he should take the amount of a man's land as the surest sign of his ability to pay taxes. It was not until the twelfth century that English kings began to use any other kind of property as a measure for taxation. By that time trade had grown just far enough, and townspeople had just enough in the way of clothes and furniture and plate to make it worth while to tax these "movable" goods. But even in the fourteenth century there were only sixteen citizens in London who had possessions, apart from land, valued at more than £60.

Thus in the later Middle Ages it became the custom to levy taxes both on land and on general property, and this custom continued down to the end of the seventeenth century. However, a tax of this kind was never really satisfactory. It was always a slow and difficult business to find the capital value of each man's belongings, and in very many cases only a rough guess was made at the value; consequently the estimates were nearly always unfair. Moreover, people were often able to hide their goods until the collectors had done their work, so that the general property taxes never brought in anything like the amount which they should have brought in theory. For these reasons the collectors in the eighteenth century gave up the attempt to tax "movable" property, and confined their attentions to the land. But even here their efforts grew slack. A

survey of all the land in the country and valuation of each man's holding could only be made with great trouble and expense. Therefore the collectors never made a fresh survey after 1698. There was a further reason for this slackness—that Parliament was composed almost entirely of landowners, who were not at all anxious to tax themselves—in fact, they would have been very glad to do away with the tax altogether. Now the value of land was steadily rising, and a fresh survey would have meant a heavier tax. Therefore, Parliament never encouraged the collectors to make another survey. From 1698 to the present day the old land tax has continued, but it now yields only £700,000 a year.

The history of the land tax shows very well the difficulty of arranging the taxation either of land or of general property. If the tax is to be at all fair it must be based on a careful survey, and the survey is always slow and expensive. Moreover, since the value of property is continually changing a fresh survey ought to be made every few years. But no government has ever succeeded in carrying out this heavy task satisfactorily. Our own government imposed a new land tax in 1909, based on a sound general principle of taxing the "natural" value of land. Yet, in spite of all the expert advice and all the economical methods which a modern government has at its command, this tax proved so expensive, and yielded so small a return, that it was abolished ten years later. In France and the United States there are still general property taxes which include the land, and in both countries they are unsatisfactory. In France no general survey of land values has been made for more than a century. The American tax works out so unfairly that a leading American economist has described it as "beyond peradventure the worst tax known to the civilized world."

It is true that a proposal has been made in Parliament, and widely supported in the country, to make a levy on capital—that is, to impose a heavy tax based on the capital owned by each person. This proposal is important, because the "capital levy," if it were successful, would pay a considerable fraction of the cost of the war. We might suppose

at a first glance that the suggestion stands condemned by the failure of all taxes on general property in the past. But, as a matter of fact, the tax now suggested is quite different from the old levies on property. The survey would be much simpler, and as the tax would only be imposed once, or at most two or three times, there would be no need for repeated surveys ; so that the great objection to the old tax would not arise in this case.

We have glanced at the chief taxes levied by our government, and we have remarked that all governments agree **One Tax** or with ours in adopting a variety of taxes. It **Many ?** has often been suggested that a single tax, heavy enough to meet all the expenses of government, would be a great improvement on the present variety and complication. The American writer, Henry George, held that *land* should be the one object of taxation, because trade would then be left quite free and unburdened, and because the landlord does not work for his living. But although some landlords do not work for a living they are not the only people in that position : for example, all who have inherited shares in government stock or trading concerns receive an "unearned" income. Furthermore, no conceivable tax on land would now be large enough to meet the huge expenses of government.

Another suggestion is that each person's *expenditure*—the amount he can afford to pay for goods in general—is the best guide to the amount which he ought to pay in taxation. But that is by no means certain. If, for example, there has been illness in a family and the head of the family has had to pay heavy doctors' bills he will, according to this scheme, have to pay correspondingly heavy taxes at the very time when he is least able to do so. In the eighteenth century a proposal found some favour with Parliament that all taxes should be in the nature of licences. The idea was that just as men pay a lump sum each year to be allowed to shoot game, drive motors, or hawk tin kettles, so every one should pay for the privilege not only of selling any kind of goods, but also for buying—so much for wearing wigs, so much for velvet clothes, mahogany furniture, coffee, jam,



and all manner of other commodities. Fortunately, the scheme was never put into practice, and only led to a slight increase in the number of licences.

A more reasonable plan is that of a single tax based on income. The chief, though not the only, reasons against this plan are practical. It would be very difficult to arrange the tax in such a way as to be fair to every one: people with small incomes would find the payment of comparatively large lump sums a heavy burden; moreover, there would be a great expense in collecting the tax on small incomes and only a very slight return for the expense. In some countries there is an income-tax which is nominally supposed to be paid by even the poorest labourer, but most governments have decided against levying such a tax on really poor people.

There are, in addition, some general reasons against *any* single tax. One is that most people do not feel it so much of a burden to pay their taxes at different times and in different ways. Another is that whereas it would be very difficult to make any single tax quite fair to everybody, it is much easier to arrive at a rough equality if there are several taxes. If one tax bears heavily on a particular class of people, another will hardly touch them, but will be paid largely by some other class. Thus taxes on tea and tobacco are felt most severely by poor people, but the income-tax strikes the comparatively well-to-do and does not affect small incomes at all. Further, seeing that there are several very convenient ways of levying taxes, it would be a pity to make use of only one of them. For these reasons, among others, every government levies many different kinds of taxes.

One striking feature of our tax system is seen particularly clearly in the case of the income-tax. The rate of taxation **Progressive** is higher for large incomes than for small, or in **Taxation** other words, the tax is progressive. Estate duties are graded in a similar way,<sup>1</sup> and taking our tax

<sup>1</sup> The estate duties are also graded on a different system, based on kinship. A nephew or cousin of the deceased person pays at a higher rate for his legacy than widow or child, and a legatee who is not related at all pays at a higher rate still.

system as a whole we can say truly that in general rich people yield up a larger proportion of their wealth in taxation than poor people do. Is it fair that they should do so, or ought we to aim at making all people pay about the same proportion of their wealth? The question has very often been discussed, and the answer has never been thoroughly settled. Nearly one hundred and fifty years ago Adam Smith wrote: "It is not very unreasonable that the rich should contribute to the public expense, not only in proportion to their revenue, but something more than in that proportion." But for a long time most economists and politicians disagreed with this view: it is only in quite recent years that progressive taxation has come into general favour. There is a simple principle underlying the idea. We can illustrate the principle in this way: One man has had £90 a year and his income rises to £100. The extra £10 will be very useful to him, because it will probably enable him to buy better food or clothes, or to live in a healthier district, or in some other way to give himself an advantage which he greatly needs. Another man's income is £900, and it increases to £1000—again an increase of one-ninth. He will certainly be glad to have the additional £100; but what use will he make of it? He may use it to help in buying a motor or in renting a better house, or again, he may not spend it directly at all—he may save and invest the money, using only the interest to increase his comforts slightly. In any case he does not seriously need the extra income. And a man with £9000 a year has still less need of an additional £1000. Now let us suppose that these additional sums are all taken away in taxation. The first man will feel severely the loss of £10, but the second will still have a reasonably large income; and the third has an income of which no one can complain. If we decide that the poorest of the three can afford to pay £10, we must admit that the second could afford to pay more than £100, and the third much more than £1000.

That is the principle on which the income-tax and all progressive taxes are based—the principle that as an income increases the importance of any given fraction of it diminishes. It does not work out exactly in all cases. We can imagine,

for instance, that a man with a moderate salary has just received an advance of £100 a year. The increase enables him to pay for a private secretary, and so he is set free to do some very important work. No one can pretend in such a case that the last £100 is less valuable to him than the rest of his income. But in spite of such particular exceptions the general principle is sound.

If we admit this principle we are faced with a further question: How far is the progression to go, or how steep is the grading to be? That question cannot be definitely answered. The amount of grading depends partly on the needs of the government and partly on the prevailing idea as to what is fair in taxation. If most people felt it was unfair for any man to have an income much above the average, the government could easily take far more from the large incomes than it does at present; in fact, it could take so much that no one would be left with more than a moderate income, say £1000 a year, when he had settled his account with the tax collector. But we are very far from such a state of affairs, and it is hardly possible that we should ever arrive there. Long before we had reached that position the whole system of society would have been so changed that there would be no exceptionally wealthy men left to be taxed by the government. This principle, then, does not justify any definite amount of progression: it only helps the tendency to throw the weight of taxation on the large incomes. The actual burden on different levels of income depends mainly on the amount of taxes that the government needs to raise. And the fact is that a government nowadays finds it easier to tax a few wealthy persons than a large number of poorer people. An increase of taxation is always unpopular; but a tax on the well-to-do causes less outcry and is cheaper to collect than one which is widely distributed among the people.

It was not always so, as we know already. A hundred years ago the taxes bore far more heavily on the poor than on the rich, and at the same time it was almost impossible to persuade Members of Parliament to increase the burden on their own class. The great change that has come about

in recent times is very largely due to the growth of democracy. Seeing that the mass of the people now have votes, taxes have to be arranged more or less according to their wishes ; and there is no doubt that the mass of the people wish to be lightly taxed themselves, and to see a great proportion of the taxes drawn from the large fortunes.

Most people, indeed, would be glad if they could escape taxation altogether. And it is not beside the point to ask whether, after all, we ought to force very poor men to contribute to the cost of government. **Should Every one pay Taxes ?** According to the principle of progression it would seem that we ought not ; for many poor people are unable to keep themselves reasonably well fed, clothed, and housed, and therefore have less than nothing to spare for taxation. The only theoretical reason on the other side is this : that if we pay no taxes we are apt to feel irresponsible, to support any sort of hare-brained or revolutionary scheme, no matter what it may cost, or to look upon government as a matter that does not concern us ; whereas if we are taxpayers we shall almost certainly be more cautious and law-abiding. There is not really much force in this argument. Most poor people, for a reason which will be shown directly, do not as a matter of fact realize that they are paying taxes. Advocates of fresh expenditure and leaders of revolution are nearly always men of at least moderate means, who therefore pay a fair amount of taxation. Moreover, taxation, if it is at all heavy, tends rather to make people discontented than to persuade them to order and reason. And finally, the best way to spread enlightened views about government is surely to teach people whatever ought to be known. A little direct teaching would go further than a great deal of taxation.

The real reason why government taxes the whole population is that it cannot help doing so. The poorest people only pay taxes in an indirect way by giving higher prices for their tea, tobacco, and alcoholic drinks : that is why many of them do not realize that they are paying taxes—they only know that the goods are dear. The cost of the goods is high, of course, because Customs or Excise duties are charged on them. Now the government could not

possibly pay its way without levying Customs and Excise, and it cannot prevent the price from rising to cover the tax. Therefore it is bound to make even the poorest people pay a little taxation in this way. Yet seeing that they pay no other taxes, and also that Customs and Excise duties are charged on so few goods, chiefly on luxuries—we can safely conclude that they are taxed almost as lightly as possible.

We have just said that buyers of taxed goods have to pay a higher price because of the tax. This statement **Direct and Indirect Taxes** raises an important question. It implies that although the merchant who imports tea or tobacco, and the brewer of alcoholic drinks, has to pay the duty, he does not really bear the burden, but hands it on to his customers in the form of a higher price. If it is the same with all taxes, they must all be distributed among the population; and in that case it would follow that the bulk of the burden would fall on poor people. We know that it is not so, and, therefore, it appears that while some taxes can be handed on by the first payer, others cannot; and clearly it is important for anyone who is arranging taxes, and trying to arrange them fairly, to know approximately where the burden will fall, and who will have to pay the various duties in the long run. The problem of finding out who pays the taxes, in technical language, the problem of the *incidence* of taxation, is a matter of endless complexity, and we must leave it to students of economics. In many cases the tax is shared: for example, a tax on houses in a district with a growing population is shared between landlord and tenant, and it is almost impossible to tell in what proportion. Other taxes, including several duties on land, and the income-tax as a general rule, cannot be shifted. A landlord who is getting as much rent as possible already cannot raise the rent any higher because he has to pay a tax; and a shopkeeper who pays an income-tax on his profits will not be able to charge higher prices for that reason. If he did he would lose custom and his profits would go down. Such taxes, which cannot be shifted, are called *direct*, because they fall directly and once for all on the person who first pays them.

Customs and Excise duties, and taxes which can be handed on, are called *indirect*, because the final payer of the tax is the purchaser who has to give a higher price. But perhaps we are making a rather too sweeping assertion when we suggest that Customs duties can always be handed on from seller to buyer. We are all familiar with the idea of "making the foreigner pay" part of our taxes by means of a Customs tariff, and this idea certainly conflicts with our statement. If the foreigner who exports goods to us pays the whole or part of our Customs duty, then we who buy the goods will pay only a fraction of the tax, and perhaps none at all. The fact is that Customs duties *may* be paid or shared by the exporter; and anyone who understands something of the theory of international trade can explain in what circumstances the exporter (*i.e.* the foreigner) will stand the burden. Nevertheless, in real life those circumstances very seldom exist. Therefore it is extremely difficult to make the exporter pay, and we are quite justified in saying that, in general, Customs duties are indirect taxes paid in the long run by the person who buys the goods in order to eat, drink, or smoke them.

One more problem of taxation deserves our notice. The government now spends great sums of money every year on **Is Taxation** education, old age pensions, employment exchanges, **good Polley** and other kinds of service, and it tends to spend more and more in these directions. Is the government doing well to spend this money and to raise taxes for the purpose, or were the statesmen of an earlier generation right in saying that the money would be better used if it were left in private hands? Without a doubt, taxation does interfere with our liberty, and it may cause us real hardship. We may have laboured to make money in order to spend it in very desirable ways, perhaps to subscribe to charities, to educate our children, or to invest it in some useful line of business. Then the government steps in and wrests it from us for its own use. Is the government acting fairly in such a case? The whole problem turns on the use to which government puts its revenue. If taxes are spent in wasteful ways, then undoubtedly they would have been better used in many

cases by private persons. On the other hand, the work of government in providing schools, helping to prevent unemployment, building houses for workers, and in several other lines of service, is work of the first importance. Moreover, such work was by no means satisfactorily done before government undertook it. Therefore we must conclude that money spent in this way is at least as well spent as it would be by private persons.

There are two points, however, to consider on the other side. It is the duty of government in raising taxes to cause as little injury as possible ; to tax large rather than small incomes ; to avoid taking an undue amount of funds that would have been saved and invested by the taxpayer ; and to make indirect taxes strike expenditure on luxuries rather than necessary expenditure. And secondly, in spending the money the government should practise economy, in particular by setting up no departments and employing no officials beyond the number required for efficient working. In the first matter, the character of our tax system, we have little ground for complaint. But in the second—the size and burden of the Civil Service—there is some room for improvement.

CHAPTER XV  
TAXATION (*continued*)

PARLIAMENTARY FINANCE

**N**OW, having examined the taxes which form the bulk of the government income, we must ask how Parliament, or more exactly, the House of Commons, manages its financial business.

Most private persons either know, or guess as well as they can, the size of their income, and try to keep their expenses within the limit of their receipts. With Parliament the order is reversed. A large part of its expenditure is fixed, but the income is (within very wide limits) whatever Parliament chooses to make it. Therefore expenditure is decided first, and afterwards Parliament has to decide how to meet its liabilities.

At the beginning of each year, then, the House of Commons agrees on the amount which is to be spent during the year, **Control of** and next it agrees upon the kind and amount of the **Expenditure** taxes with which the expenses are to be met. The "beginning of the year," in a financial sense, is not 1st January, but a date early in April. Seeing that the parliamentary session only starts in February, and that the House has to do a certain amount of routine business and much discussion before it can decide on the taxes, the new financial year could not well begin any earlier. As a matter of fact, during the war Parliament has sometimes been five or six weeks behind-hand with its public business, and the new taxes have not been discussed until some time in May.

Before the beginning of the financial year the government must know how much it proposes to spend. Therefore a great deal of work has to be done in advance. The preparations



begin in the autumn, when the chief officials of each Department of State make careful calculations of the amounts they are likely to spend during the following year. Their estimates have to be very detailed and exact, because Parliament only allows them money for the precise purposes for which it is asked. Money granted for salaries must be spent on salaries—and so with the grants for stores, stationery, furniture, uniforms, travelling, or any other purpose. And further, any balance left over at the end of the year cannot be kept by the department, but must go back into the general funds of the government. If it were not so, a department might ask for more than it needed each year, and in the long run might pile up a reserve which would make it independent of Parliament. This system, of course, leaves the departments less freedom than they would like to have, and it helps to account for the lack of enterprise and clinging to routine of which the departments are often—and sometimes rightly—accused. No ordinary business firm could be successful if it were forced to decide a year in advance exactly how much it would spend on wages, advertising, and stock. But, on the other hand, this rigid system has certain advantages. In particular it helps to give Parliament a firmer control over the departments and tends towards economy, because all expenditure has to be accounted for in advance. When the officials have prepared their estimates and discussed them fully with the Minister in charge of their departments, they send on the estimates to the Treasury. There the accounts are examined in detail; and it is the duty of the Treasury officials to see that no unnecessary demands are made, for the main purpose of the Treasury is to keep down expense. After this revision all the estimates are collected by the Chancellor of the Exchequer, who presides over the Treasury, and he discusses them with the Cabinet. All these preparations take place in the winter months, and at the same time the Chancellor is considering, with the help of the Treasury officials, what changes in taxation will be needed in the coming year.

Next the proposals have to come before the House of Commons, and, for the reasons which we have just seen, the question of expenditure comes first. To deal with matters of

money the House always goes into Committee in order to discuss freely. The Committee consists of the whole House, and when it discusses expenditure it is known as a Committee of Supply. The Committee ought, in theory, to consider the demands of every department in detail, but those demands are now so enormous, and the time of Parliament is so fully occupied with other things, that the estimates cannot be thoroughly examined. The result is that expenditure is less under the control of Parliament and more under the control of the Cabinet than it used to be, and the influence of the Cabinet is so much the stronger. Further, Parliament ought, in theory, to sanction all the expenditure for the new financial year on or before 31st March, the last day of the old year. That is impossible in practice. Instead, Parliament agrees before the beginning of the year to allow the Ministry enough money to answer its needs for some weeks. Then from time to time during the session the discussion of the estimates is continued and fresh supplies are allowed to the Ministry. When questions of supply have been debated in Committee, the Speaker is recalled, the Committee "reports" its decision, and the decision is then passed by the House of Commons as a Bill—a Vote of Supply—and passes the House of Lords as a matter of course. This process of discussion in Committee and voting of supplies goes on throughout the session, and at the very end, usually on the last day, all the votes are brought together and passed as a single Appropriation Act,<sup>1</sup> which represents and sanctions all the expenditure for the year.

When the amount of expenditure is decided, Parliament makes provision for the required income by giving leave to **Control of** the Ministers to collect certain taxes. This leave **Income** is given quite separately from the votes of supply in a Committee of the whole House known as the Committee of Ways and Means. We may assume that before 31st March an instalment of supply has been voted for the Ministry. As soon as possible after that date the House goes into Committee of Ways and Means to decide on the income for the new

<sup>1</sup> This name implies that Parliament appropriates, or takes possession of, a certain amount of money for the use of the government.

year. The first sitting of this Committee is in a sense the central feature of the whole session, for the Chancellor of the Exchequer then presents his Budget—or annual account of revenue and expenditure. In the speech in which he introduces the Budget, he first reviews the past financial year, showing how nearly the actual figures agree with the estimates made twelve months before. There is usually a difference of only two or three per cent. Next he gives the estimated expenditure for the new year, and finally, he proposes any changes in taxation that may be needed. For many years before the war the expenditure, and consequently the amount of taxation, was steadily rising. The number of officials in the Civil Service grew year by year; fresh burdens, such as old age pensions, were undertaken by the government, and the cost of the Army and Navy continually increased at a rate which in those days seemed prodigious. By 1914 the annual income had grown to £200,000,000. It is now considerably over £1,000,000,000. Thus Chancellors in recent times have had the difficult task of searching each year for new taxes, or discussing which of the old taxes can best be increased, in order to raise the revenue to a higher figure than it has ever reached before. And in view of the great programme of social reforms which is now before the country, we cannot expect that our taxes will return to their old level in any length of time which we need consider. Therefore the levying of taxes is still likely to present a difficult problem year by year.

When the Committee of Ways and Means has come to an agreement, it reports to the House, and a Bill is passed giving the decisions of the Committee. This Bill, like the Votes of Supply, is sure to be passed by the House of Lords, for by the terms of the Parliament Act of 1911 the Lords are bound to agree to any "Money Bills" sent to them from the Commons. The recognized principle is that the Commons, who are elected by the people, shall have control over the money paid by the people in taxation.

With the passing of the Budget, the provision of money for the year is finished as far as Parliament is concerned, unless some emergency makes it necessary to add something to the taxes during the session.

The remaining work is in the hands of officials and bankers. Officials who collect taxes are divided into two groups. One **Collection of Taxes** group is responsible for taxes on goods (Customs and Excise duties), and the headquarters of this group is the London Custom House, beside the Thames. The other headquarters is also close to the Thames, in Somerset House, the magnificent building between the Strand and Waterloo Bridge, which is also the central registry office for the whole country. The group connected with Somerset House collects the Inland Revenue, of which the income-tax is the chief component. The Customs department has branches at all the chief ports to examine the papers and cargoes of all ships arriving from abroad, and to charge the required duties on wines, tea, and other taxable goods, above all, tobacco. There is another staff whose duty it is to watch the coast and prevent smuggling. This work is not now so arduous or exciting as it was before the middle of the nineteenth century, when far more goods were liable to taxation and the inducement to smuggling was much greater.

The Excise department has branches all over the country. Its main work is to collect taxes on alcoholic liquors, and for this purpose *preventive men* are attached to all the chief distilleries and breweries.<sup>1</sup>

We cannot describe here the method of collecting taxes in any detail; its most important feature is that there are separate staffs of *Surveyors* to calculate the amount which each person or firm has to pay, and of *Collectors* whose duty is to receive the money. Thus the same man is never allowed both to assess and to collect a tax. This device is clearly meant to be a safeguard against dishonesty.

Now that taxation is such a huge and complicated business it requires a very large staff. There are about fourteen thousand officials in the Customs and Excise department alone. But in proportion to the vast sum collected the expense of the taxing departments is not heavy. In the year 1916-17 the cost of collecting a revenue of £663,000,000 was slightly over £5,000,000. Two hundred years ago in England seven per cent, and in Ireland seventeen per cent, of the total revenue dis-

<sup>1</sup> Robert Burns was a preventive man in the Excise department.

appeared in the process of collection: it found its way readily into the pockets of officials, because the accounts were always in confusion.

The chief source of confusion was the fact that public money was entered in many different accounts, so that it was impossible for any central department to keep control over the whole system of finance. A new system was introduced in 1787 by William Pitt, who had a very clear and business-like mind. He arranged that all money coming to the government from any source should be paid into a single account at the Bank of England, which he called the Consolidated Fund; and the same system is used at the present day. All money collected by officials, whether it comes in the form of coin, notes, or cheques, is sent either to a branch or to the headquarters of the Bank of England or the Bank of Ireland. These are official banks for the government, which deals with them exactly as a private depositor would, and the Consolidated Fund is the government's deposit with the Bank of England. All money paid in any part of the United Kingdom to the credit of government is eventually sent into this one account.

The Consolidated Fund is like a trap to which admission is easy, but from which escape is very difficult. Money is constantly pouring in from all over the country through the Bankers' Clearing House: the process of drawing public money out of the Bank, on the other hand, is slow and complicated and hedged about with restrictions.

The Fund is managed by a Minister, the Paymaster-General, and he alone is able to draw money out of it. No other Minister or head of a department, not even the Prime Minister or Chancellor of the Exchequer, can draw from the Fund at his own discretion: he can only use the sums transferred to his department by the Paymaster. And during the last half-century even the Paymaster has not been allowed to draw money from the Fund on his own responsibility. He has first to get a warrant from an official called the *Comptroller and Auditor-General*. In the warrant there is a statement of the purpose for which the money withdrawn is to be used: it is the busi-

ness of the Comptroller to compare this statement with the Parliamentary estimates in order to be sure that the expenditure proposed is in accordance with the instructions of Parliament. His usual method is to send to the Paymaster once a quarter a warrant for each Department of State, giving it the amount which it should need to spend, according to the estimates, during the next three months.

This, however, is not the Comptroller's chief duty. As his title suggests, he not only keeps a check on expenditure, but also audits the accounts of all departments. He has a large staff engaged on this work, and once a year he makes a report to Parliament on the state of the public accounts, showing particularly whether the departments have spent their money according to the wishes of Parliament. During the war, when many new departments were formed, and all government offices were more or less upset, his work was very difficult and responsible, and his reports showed a great amount of waste and mismanagement. His report is considered in detail each year by a Committee of Public Accounts consisting of a few experienced Members of Parliament, who send it forward, with comments of their own, to the House of Commons towards the end of the session.

It will be seen that the Comptroller and Auditor-General has close relations with the House of Commons. The fact is that, although he has an office in the Treasury building, he is not an official of the Treasury or any other department. Like the Clerks of the Commons and the Sergeant-at-Arms, he is appointed by Parliament, and is a servant of the House of Commons, his main business being to help the House to control expenditure.

The Treasury officials, of course, help in the same work. We have seen that they have to draw up estimates every year.

**Treasury** But not even the most careful estimates will ever exactly meet the needs of all departments. Every government office finds it necessary to spend sums which have not been foreseen. Before they do so, however, they must consult the Treasury, and there is a constant correspondence between the Treasury and other departments about matters of detail in which it is found necessary to depart

from the estimates. If a serious need arises during the session a department will send to Parliament, through the Treasury, a set of supplementary estimates, asking for a larger grant than that provided in the votes of supply for the year.

All that can be done by the Treasury, the Comptroller, the Public Accounts Committee, and the Paymaster-General, is to see that all expenditure is legal and according to the wishes of Parliament. But we have noticed that the House of Commons has very little time for discussing questions of expenditure, and most Members have not the necessary technical knowledge, so that all this elaborate system of checks does not really provide a guarantee against waste of public money. Our financial system, in fact, is like Rob Roy's wallet, which had a most formidable arrangement of locks, but could easily be cut open.

Now that the expenditure of government is so vast and has such a vital effect on the welfare of every one in the **Estimates** country, there is a serious need that the whole **Committee** policy of finance should be carefully considered each year. Proposals for expenditure should all be brought together, the total should be ascertained and set against the amount of taxation which the people could reasonably be expected to pay. Then the various lines of expenditure should be arranged in order of importance, the amount which ought to be devoted to each should be calculated, and the conclusion reported to the House of Commons. In this way the House would be given a clear and systematic idea of the policy, and in particular the expense, which it was undertaking in any given session.

It is true that the Cabinet is expected to discuss such general problems ; but many of the Members are preoccupied with the affairs of their departments, and all are so far involved in questions of party management and details of policy that it is very difficult for them to take a broad and detached view. The consequence is that the estimates are generally decided by each Minister pressing for the largest possible grant for his department, and the Treasury and the Chancellor of the Exchequer offering what resistance they can to increased expenditure. The Estimates Committee are

also expected to consider general questions of policy, but they are in an equally difficult position ; they are confronted with a mass of figures, the result of discussions which they have not heard ; and in the time at their disposal it is impossible for them to grasp the full meaning of the figures or to understand the principles involved.

The best solution of this serious difficulty would probably be the appointment of an official who would advise the Estimates Committee as the Comptroller and Auditor-General advises the Committee on Public Accounts. Such an official would gain a thorough grasp of the estimates, would guide the Committee through them, giving a general view of the whole expenditure, and pointing out the matters which most needed discussion. Then the Committee would be able to send a clear and really useful report to the House of Commons.<sup>1</sup>

During the latter part of the war our government was spending in a year about £2,000,000,000 more than its **The National Debt** come. This huge sum had to be raised, of course, by borrowing, and in the whole course of the war the government borrowed well over £7,000,000,000. In normal times it is expected that the Chancellor of the Exchequer will make each year's income at least equal the expenditure: he ought, in fact, to have a good balance in hand, for a reason which will be explained later. But it has hardly ever happened in history that a government has been able to pay for a war out of current revenue. In the Middle Ages, indeed, kings were supposed to finance wars in this way. The accepted principle at that time was that the king's private income should cover the ordinary cost of government, and that taxes, such as the land and general property tax, should only be raised as an emergency measure to meet special expenses—especially the cost of a war. But as time went on the cost both of wars and of the ordinary work of government

<sup>1</sup> This suggestion has been made by several writers on public finance. The Select Committee on National Expenditure (which is mentioned below, p. 208), in their Ninth Report (*H.C.* 121, 1918) recommend the appointment of two or three Estimates Committees, with an official—the Examiner of Estimates—to guide them. The recommendation is repeated in the Report of the Machinery of Government Committee (*Cd.* 9230, p. 15).



steadily increased, and rulers found more and more difficulty in balancing their accounts. Elizabeth, the last sovereign who made ends meet, only succeeded by virtue of strict economy and much good luck. Eventually, after many struggles and failures, and the actual bankruptcy of one king (Charles II), a means of relief was found in the reign of William III when the ingenious merchant Paterson introduced the scheme of a permanent National Debt. His scheme included the founding of the Bank of England. The bank lent a large sum to the government without asking for repayment, and in return was given a good rate of interest and the right to issue notes up to the amount of the loan. Afterwards the bank made several other loans to government, but in the meantime the idea of borrowing without repaying had become firmly established, and others besides the directors of the bank had proved willing to lend. The government, instead of undertaking to return a loan, simply promised to pay interest, and to go on paying interest for ever, unless at some time it should be able to repay the principal as well. During the first half of the eighteenth century most of the loans which composed the National Debt were made by three companies, the Bank, the South Sea Company, and the East India Company. But later, especially during the Napoleonic War, investment in war loans became more general. Even men with quite small incomes, who to-day would buy war savings certificates, at that time would pool their savings in order to lend £100 to government. At the end of that war the National Debt had grown to an enormous figure. Each war of the eighteenth century had added a large amount, and by 1815 it stood at £800,000,000, or about £100,000,000 more than the debt in 1914. In the long years of peace during the nineteenth century it was gradually paid back in part. But the Boer War drove it up again, and the recent war has left it at a figure undreamt of by anyone before the actual event.

Those who lend money to the government may lend it permanently or for a certain period, say five, ten, or twenty years. In the second case the lender is given in return a *bond*, a document in which the government promises to return the loan when it is due, and in the meantime to pay interest.

In the case of a permanent loan, the document, or scrip, given in exchange, only promises the interest. The temporary loans make up the *unfunded* debt, the permanent loans form the *funded* debt. If, as often happens, the government has not enough money in hand to meet its bonds when the time arrives, it can ask the lender to make the loan permanent, or it can borrow money from some one else. A great deal of temporary debt has been "funded" in this way, and without doubt many of the current war bonds will be changed into funded debt in a short time.<sup>1</sup>

Before the war the National Debt consisted very largely of "Consols." This name goes back to the middle of the eighteenth century. Until that time the debt was in several sections with different rates of interest; but many sections were then brought together, or *consolidated*, into a single account, and the interest on all the loans was fixed at 3 per cent. It remained at that level until about twenty-five years ago, when it was first lowered to 2½ and then to 2¼ per cent. During the war several fresh loans have been raised at varying rates of interest, but before long they will probably be "consolidated," and the interest will be fixed at a single rate, perhaps five per cent.

Do governments ever succeed in getting rid of their debts? Occasionally they do. The United States government, for example, was able to pay off the whole of its debt early in the nineteenth century. If before the war we had been taxed even half as heavily as we are to-day, our government would have had such a large balance in hand that it could easily have repaid our old debt in three or four years. But, as a general rule, repayments, if they have been made at all, have been made very gradually.

About thirty years ago Parliament resolved that the Chancellor of the Exchequer should set aside £28,000,000 every year as a Sinking Fund, and should plan his taxes accordingly—i.e. he should try to have a surplus of that amount at the end of the year. But the Chancellors have never lived up to this resolution: between the Boer War and the out-

<sup>1</sup> A good deal of funding has already taken place since this chapter was written.

break of war in 1914, they set aside on the average less than £10,000,000 a year for this purpose. The debt with which our government is now faced is so enormous that the interest which will have to be paid on it every year will be more than half as large as the total debt in 1914; and the prospect of paying it all back seems very remote. For this reason many people advocate a "capital levy," which would give the government a very large surplus to swell the Sinking Fund, and so would enable it to buy back a substantial block of the debt. The question is too involved and technical to be discussed here; but one other matter closely connected with it deserves our attention. It is nearly always assumed that when a government has contracted a debt, its next duty is to get rid of the debt as fast as it can. Some people, indeed, have used this argument on the other side: "If we had no debt we should have no Consols, and what should we do then? Where else could we find such a safe investment?" But we need not stop to criticize their view. A more serious consideration is that England was saddled with a large debt in the nineteenth century, and yet the country was never more prosperous. It may appear, therefore, that a debt is not really a great handicap to a nation, and that we need not be concerned about its repayment. Moreover, most of the interest on the loans is paid to British subjects, so that the money taken from us in the form of taxation is given back to us in the form of interest. Where, then, is the objection to a debt, and why should we be anxious to repay it?

We must inquire who are the receivers of interest and who are the payers of taxes. Most of the interest goes to comparatively well-to-do people, and a great deal goes to a small number of very wealthy persons. But taxes are paid by every one. Now the existence of a debt means the raising of additional taxes to pay interest. Consequently the whole people, including the poorest, are made to contribute in order to pay interest to the wealthier part of the community. In other words, the National Debt causes wealth to be more unevenly distributed: it tends to widen the gulf between rich and poor. There are some other objections

to National Debts,<sup>1</sup> but this is the most important, and in itself it is quite enough to justify any government in paying back its debt as soon as possible. For the same reason a government ought during a war to pay a large proportion of the expense by means of taxes, and so avoid needless borrowing. The existence of a National Debt, since it increases the burden on small incomes, is an argument for progressive taxation, which helps to restore the balance.

We have seen that debts in the past have been due almost entirely to the cost of wars. What of the future? If, as every one hopes, the era of international wars is coming to an end, we might expect that National Debts would soon pass into history as well. In all probability they will not, but they are very likely to change their nature.

A vast amount of money borrowed during the war was spent, not directly in carrying on the campaign, but in public works, such as munition factories, shipyards, and houses for the workers. And already much more expenditure of this kind is in view; the building of a great number of houses, the digging of one or two channel tunnels, and several new docks, and quite possibly the purchase of railways, mines, and fleets of merchant ships. For these purposes the government must borrow, and in all probability this kind of expenditure will become more common in the future. But there is a great difference between loans for these constructive works and loans for war. Money raised for war is used up in the campaigns; and the operations of war, although they may yield valuable results in other ways, do not yield any direct return in money. Therefore the whole interest on war loans has to be paid out of taxes. But harbours, railways, and houses bring, as a rule, a very good return. A government which borrows money for these purposes and spends it wisely, will probably find that they yield enough to pay all the interest on the loan, and something more, which can be used as a Sinking Fund for paying off the capital. Thus the loan will not add a penny to taxation, and when the capital has been

<sup>1</sup> For instance, they help to keep up the general level of interest, and so make it difficult to borrow capital for the starting or expansion of businesses.

returned these undertakings will become, like the Post Office, a source of revenue to the government, and will actually relieve the taxpayers of part of their burden. Hence, apart from international or civil wars, the future of National Debts appears much brighter than their past.

Loans of this latter kind—for public works—are often raised by local councils. They are used chiefly for such undertakings as tramways and the supply of gas and water. The original cost of laying down tramlines, or gas and water mains, is very heavy—a much greater sum than any local council can afford to pay out of its annual income. Therefore the money is borrowed. But very often the work on which it is spent brings a large enough return to pay the interest and contribute to a Sinking Fund without adding to the local taxes. For this reason local debts are much more easily paid off than National Debts, and consequently present a less serious problem. They are also less dangerous, because they are under closer control. The amount of debt which a local body can accumulate is fixed in many cases by Act of Parliament. In nearly all cases the loan must be allowed by the Central Government; and if a borough council wishes to undertake some new work which will involve a loan, it may be necessary to get leave from Parliament by means of a private Bill.<sup>1</sup>

A National Debt is not limited in these ways. It is raised in time of war, when everything else has to give way to the necessity of defending the country. A Ministry must, indeed, obtain leave from Parliament in the form of a vote of credit; but leave is given as matter of course. A refusal would mean that the Ministry must resign and the war must stop. And further, the expenditure of a war loan is very little under control; because no one can possibly say in advance what the needs of the Army and Navy will be. It is for this reason that there has been so much waste in the last few years. Great sums of money were voted without any orders as to their use. The departments which spent the money had only just been formed, or had been greatly enlarged, and were,

<sup>1</sup> A county council cannot do so, for it is not allowed to promote private Bills.

therefore, in a good deal of disorder. It was with the object of checking waste in the use of loans that the House of Commons appointed a special committee to inspect and report on the accounts of the various departments. We see then, that local debts are of a very different nature from National Debts. Nevertheless they are by no means a small matter: before the war they had grown so far that their total was very nearly the same as that of the National Debt.

### LOCAL FINANCE

We must say a little in conclusion about the ordinary income and expenditure of local councils.

We have said enough already of the various ways in which local bodies spend their money. Their *revenue* comes from three sources. In the first place, they receive rent for any lands or houses which they have let to tenants, and they make a considerable income as a rule—especially in the case of large boroughs—from their trading concerns. Secondly, the central government gives them grants. Thirdly, they levy their own taxes; and they receive the greater part of their income—on the average about four-fifths—from this source.

Local taxes are peculiar and open to some criticism. In spite of all that has been said against the single tax, here **Local Rates** apparently is the single tax in operation. For local taxes, or *rates*, as they are generally called to distinguish them from national taxes, are all based on one calculation, and that not of the total wealth or yearly income of each ratepayer, but the yearly value, *i.e.* the rent, of the house or land which he owns or occupies as a tenant. It is not difficult to see why local rates are levied in this way. The present method was settled by Parliament in 1840. At that time the only possible local taxes that would have brought in a large enough revenue were Customs duties and a tax on land and general property. But local Customs duties are very bad: they are a serious hindrance to trade, and injure both the inhabitants of a town and merchants from outside who wish to trade with the town. They still exist

as a survival in France and Italy, but no one would dream of starting them as a fresh means of taxation. With the slight exception of market tolls, they were abolished in England several centuries ago. Seeing that Customs duties were ruled out, only the land and property tax remained. But, as we have seen, taxes on "movable" property are very troublesome to collect; therefore it was decided in 1840 that only "fixed" property—land, houses, and mines—should be taxed. The rent paid for them is definitely known, and if the landlord is living on his own land, or in his own house, it is not hard to estimate what rent he would charge to a tenant. Hence a tax on yearly income from fixed property is easy to levy.

Only two years after this decision was made, Peel introduced the Income-Tax, which could quite well have been used for local as well as national revenue. But seeing that it did not exist in 1840, it has never been adopted by the local bodies; in fact, they could not adopt it without leave from Parliament.

The local rate is paid by occupiers of property whether they are owners or tenants. They often complain of the unfairness of the system, and we ought very briefly to inquire into its defects or merits. Local expenditure is of two kinds. Part of it is "beneficial," because it is of direct advantage to the ratepayers themselves, and tends to raise the value of their property. Road-making, scavenging, drainage, and water supply are examples of "beneficial" works. If the local councils did not carry out these works, the ratepayers would have to undertake them privately. Moreover, the ratepayers, who are the heads of households, are in general the people who benefit most by such services; therefore it is not unreasonable that they should pay for them, and that they should pay in proportion to the value of their property.

But there are other local services which are not of this kind. They are technically called "onerous," or burdensome, because they do not directly benefit the householders who pay for them, however useful they may be to society as a whole. The ratepayers have a strong case for urging that every one should contribute to the expense of these services, not accord-

ing to the value of his fixed property, but according to his total wealth or income. Something is done in this direction by means of grants in aid, but many people demand that there should be a local income-tax instead of, or as well as, the present rates. It would be quite easy to find out with fair accuracy for any given district what an income-tax of 3d. or 6d. in the pound would amount to. An addition of a few pence could then be made to the ordinary income-tax, collected with it, and handed over to the county or borough councils. There would be difficulties, such as the problem of men who have property, and are, therefore, ratepayers, in different districts. Complications of this kind might make the local income-tax too clumsy to work in practice, but in all probability they would not.

Some supporters of this tax would like to do away altogether with the present rates. But it would seem fairer to use it only to lighten the rates, and to divide local taxation between rates and income-tax roughly in proportion to the amount of "beneficial" and "onerous" expenditure in each county. This system would have the advantage of dividing the payment for onerous services more evenly over all the ratepayers in the county, so that it would not fall very heavily, as it does at present, on certain districts or boroughs.

The present rates are blamed particularly because they allow some people with large incomes to escape lightly. For example, a solicitor or a stockbroker may make a very good income, although his business premises consist of only three or four rooms; whereas a manufacturer with about the same income has to keep a large factory. These men pay rates according to the value of their premises; and the manufacturer will clearly pay far more than the others. An income-tax, it is claimed, would distribute the burden more fairly. On the other hand, we ought to remember that local rates are only one part of the whole tax system, both local and national, and that as long as any man is paying his fair share, and no more, of taxation in general it makes no matter if some particular tax bears heavily on him, for he will escape lightly in the case of some other tax. Thus, in our example, the manufacturer will probably subtract the rates on his mill from his



business profits, and will, therefore, pay less income-tax. When we think only of local taxation, the evil of the present method of rating appears to be greater than it is in reality.

In our study of the parish we saw that the overseers were collectors of the local rates. We must notice now **Collection of Rates** how the collecting is done. The overseers in each parish keep a list of the ratepayers, which gives after each ratepayer's name a statement of the rent which he pays, or if he is an owner, of the rent which would be paid if his property were leased. The amounts given are not quite the full rents, for an allowance is made for the cost of keeping the property in repair. This list is revised every year by the overseers, and doubtful cases are settled by a committee appointed by the board of guardians. When the overseers know what the rate is to be in their parish, they can use this list to find out how much each person has to pay.

The next question is to learn how the amount of the rate is fixed. That is a complicated matter, for several different bodies are concerned. The guardians in each union estimate that they want a certain amount for public aid. They have before them the total value of the property in their union, and by dividing this total by the amount which they want to raise they can strike a "poor-rate." Thus, if they want to raise £1000 in the year, and the total yearly value of property in the union is £20,000, they will announce a poor-rate of 1s. in the pound. In the same way the finance committee of each district council receives from the other committees estimates of the amounts required for public health, roads, and other purposes, and adds them together to find the total expenditure. Then the income from the central government, from the council's property, tolls, fines, or any other source, is ascertained and set against the expenditure. The balance has to be made up from the rates; and just as the guardians have fixed a poor-rate, so the district council strikes a "general district rate" to cover this amount. In the same way a committee of the county council makes a "county rate" to cover its own expenses—above all, the expense of schools, which cost more than any other branch of local government. The overseers in each parish are then told the amount of the

county, district, and poor-rates, and they add any special expense incurred by their parish. If the poor-rate is 1s. in the pound, the district rate 2s. 6d., and the county rate 2s. 6d., and if 3d. were added for a special rate in the parish, the total rate for that parish would be 5s. 9d. A man whose house was assessed at a rent of £46 would pay £8 in rates for the year.

Boroughs manage their own finances. The guardians, of course, make a separate poor-rate, but the borough council makes its own rate for all other purposes. In addition, the ratepayers in the town will have to contribute something to the county expenses, except in a county borough. We have said that the overseers keep the list of ratepayers and collect the rate. But borough or county councils are quite at liberty to do this work on their own account, and when they have tried the experiment, they have often found that they could collect the rates more cheaply than the overseers could, because a single collector could serve several parishes.<sup>1</sup>

In our description of national finances we mentioned that the accounts of all departments were audited by the Comptroller-General and his staff, and that their work was an important check on expenditure. We have also seen that the central government, by sending round auditors to inspect the accounts of districts and counties, keeps a similar hold over the finances of local bodies. This precaution is very valuable, because local expenditure shows a constant tendency to grow, and the ratepayers are not well enough organized, or, as a rule, well enough informed, to keep its growth within bounds themselves. The rapid growth of local expenditure is, in fact, an argument against the local income-tax. The present rates bring home to all ratepayers the extent of their burden; but the income-tax would partially disguise the burden by mixing together local and national taxes.

Boroughs are free from audit by the central government. They always appoint their own auditors; but sometimes amateurs are appointed who do not really understand the accounts. Consequently the accounts of some towns, even

<sup>1</sup> In Ireland, as there are no parishes, there are naturally no overseers. Therefore the district councils appoint their own collectors.

of important county boroughs, are kept in an unsatisfactory way, and the expenditure grows without any sufficient check. It is in general an excellent thing that the borough councils should be left as free as possible, but in the matter of finance their freedom is by no means an unmixed blessing.

## BOOKS

ARMITAGE SMITH.—*Principles and Methods of Taxation*. A short and lucid treatment.

HARTLEY WITHERS.—*Business of Finance*.

BASTABLE.—*Public Finance*. A standard work.

An interesting summary is given in SIR SYDNEY CHAPMAN'S *Outlines of Political Economy*, and a very good theoretical study in PROFESSOR NICHOLSON'S *Political Economy*, vol. iii.

Parliamentary finance is well described in HILTON YOUNG'S *National Finance and Economy*, and HIGGS'S *National Economy*.

The financial difficulties arising out of the war have led to a great output of books and articles; but as economists are by no means agreed as to the best lines of financial policy, we cannot recommend any particular work as giving an authoritative treatment.

## CHAPTER XVI

### PARLIAMENTARY REFORM

#### QUALITIES OF THE CONSTITUTION

**W**E have made a survey of our system of government as it exists at the present day. The time has come to ask what purpose the government is serving, how nearly it approaches to the fulfilment of its purpose, what problems are to be met, what changes made, in order that it may answer more and more fully the needs of the people.

Nothing is more striking in our present system of government than the extent and rapidity of its changes. Within the last thirty years the whole method of local government has been renewed by means of two Acts of Parliament; a single Act has deprived the House of Lords of a great part of its power; another has added millions to the number of electors; a simple resolution of the House of Commons has given salaries to its Members; a remarkable series of measures has been passed for the welfare of children—above all, an immense advance has been made in education; and another series of Acts, dealing with wages, hours of work, housing, unemployment, and many other matters, has made provision for grown-up people. Indeed, changes are proceeding so fast that it is difficult to write any exact account of our government, for some part of what is written falls almost immediately out of date. In all probability some of the descriptions given in the previous chapters, which are true to-day, will no longer hold at the time when they appear in print.

Yet, although our system of government, or to use the technical name, our *constitution*, is so full of change, activity

and life, a closer view will show that it has many marks of age. It is full of survivals, some of them reaching back to the

**Antiquity** very dawn of history. The Privy Council, the Royal Veto, and the appointment of Ministers by the Crown, recall the time when the king actually ruled the country. The curious and indirect way in which Parliament asserts its power over the Departments of State reminds us of the long struggle for control of taxation and expenditure. The Cabinet and the party system, both still unrecognized by law, are the gradual growth of more than two centuries. The rules of debate in Parliament are an ancient tradition of which no one fully knows the origin. And Parliament itself, in something like its present form, has existed for over six hundred years. It has been truly said that Edward I if he came to Westminster to-day, when he had recovered from his first surprise at the electric light, the constables, the tape machine grinding out the latest news, the unfamiliar odour of tobacco, and the Speaker's wig, which he would probably mistake for the latest fashion in headgear, would soon realize that Lords and Commons—lords spiritual and temporal, knights of the shire and burgesses—were fundamentally the same as the assemblies of his own day; and if it happened that the Commons were discussing a question of ways and means, he would see with satisfaction that they were doing the very work for which he had summoned his own Model Parliament.

Our constitution is old, yet continually changing. We might suppose that it would be altered out of all recognition every century at the outside; but that is by no means the case. The constitution is rather like an ancient building which has often been altered and repaired. Some portions have been removed; new wings have been added; there have been great changes in the interior arrangements and furnishings; but still the main lines of the original structure can be clearly discerned. The building as it stands is a patchwork, and all the more picturesque for that reason: it has never been completely pulled down and re-erected. So it is in our system of government: King and Parliament, statute and common law, the High Court with travelling

Judges, local courts managed by local Justices, the voting of taxes by Parliament—all these institutions, which are of the very essence of the system, have remained for many centuries. Although changes have been taking place all the time—in fact, precisely because these changes can be made so easily—no one has ever thought it worth while to destroy the constitution and replace it by something entirely new. The history of our constitution has been very much like the history of the common law. Both have been written down in part and remain in part a matter of custom; in both there is a core of old traditions; and both have changed and grown with each succeeding generation.

What is the importance of these qualities in our government? Their importance can only be fully seen by those who have made some study—a study which we cannot attempt in this volume—of the governments of other countries. The fact is that very few modern nations have a constitution which has continued without any collapse or complete break for centuries. In nearly all cases at some time or other an entirely new government has been set up—in North and South America, France, Italy, the Netherlands, Scandinavia, and in our own Colonies; and we are likely soon to see in Russia, and all over Central Europe, such a constitution-building as never was before in history. Now all these new constitutions are bound to be different from ours. Even though one of them might imitate ours as closely as possible—setting up, for example, a Parliament, law courts, and local councils of exactly similar type—it would still differ in one important respect. The whole of the new constitution would of necessity be written down. When our local councils were first set up Parliament had to say precisely how they were to be elected and what their powers and duties were to be. In the same way, when a new government is created for a whole country, the work of each part of it must be laid down in the constitution. If it were not so there would be endless confusion. It would be as though Parliament were to set up local bodies without telling them what work they were to do or what were the limits of their powers.

A written constitution may be very good : it may represent the last word in government at the time when it is drawn up. But it has exactly the same disadvantage as a written code of laws. The American people, when they revolted from the British Empire, gave themselves a constitution which was at that time the most advanced in the world. The authors of the constitution knew, however, that a people who are setting out to live under a new system need, above all things, settled rule. They have to learn to respect the new authorities, to fall into fresh habits of obedience, and to learn the part which they themselves have to play in the new scheme. To this end the American statesmen deliberately put clauses into their constitution which made it very difficult to bring about any important change. If they had not done so men possessed of all manner of cranks might have caught the ear of the public, and so might have forced their nostrums into the scheme and kept the government in a constant state of unrest. In that case, when the government finally settled down, it would probably have been ill-balanced and much less satisfactory than the careful plan laid down in the original constitution. But the result to-day is that far-reaching reform is more difficult in the United States than in England. And this same difficulty applies, and must always apply, to all countries which have written constitutions. Nothing that is outside a written code of laws is law, and in the same way nothing is legal that does not come within the scope of a written constitution. If it is desired to alter the relations between the upper and lower Houses of the legislature, to extend the franchise, to rearrange the system of taxation, these changes can only be made by a cumbersome and difficult process, and only if a great majority of voters are in favour of the proposed reform. In the United Kingdom these changes, or any change, can be made by the mere passing of an Act of Parliament.

It is true that a great deal of reform can be carried out without altering the letter of the constitution, and that much political activity—of party organizations, for example—can take place outside the constitution altogether. But the fact remains that we have a great advantage over most other

countries in the simple process by which any part of our law can be changed. It is easy to see why a constitution of the type of ours is called *flexible* and a written constitution is generally called *rigid*.

If anyone fears that change may be too easy with us, and the government too unstable, the answer is given in history, and it has already been given in this chapter. No other government has had such a long and steady development; in no other system does so much that is old stand beside so much that is quite new. The very fact that reform is so easy for us makes us the more ready to accept the general system as it is, and less anxious to pull down the whole in order to set up something of a different design. The various features of our government are closely connected: it is old because it is flexible, because gradual and persistent change has nearly always been possible.

It is most important that our system should be as adaptable as possible in order that fresh needs may be promptly met. We are faced at the present day with a great mass of new needs and problems. And we must admit that in spite of recent reforms, in spite of the fact that democracy has already advanced so far, our government is not yet perfectly in touch with the people: it neither mirrors their opinion with complete clearness nor provides the best machinery for ministering to their wants. Moreover, not all changes of recent times have been in the right direction. Discussion in Parliament is not as full and free as it used to be; the Cabinet has more power than ever before; the party system has tightened its grip on elections and on voting in Parliament; even public opinion, the foundation of all good government, is by no means in a free and healthy state. Most people now take their opinions largely from the Press, so that by owning or directing newspapers a man or a party can dictate to whole masses of people what their views are to be on all public questions. This practice was carried to an extreme in Germany under the old government, for there the rulers deliberately made use of schools, churches, and newspapers to teach the principles of a political party. Writers of a century or two ago used to say that no govern-



ment could compel its people to adopt any particular belief ; but recent experience has shown that this idea is no longer true. By taking pains to influence the Press and to control what is taught in the school and the pulpit, a government can, for a time at any rate, actually manufacture public opinion. And there is no easy remedy : it rests with the public themselves to think and study for themselves, to refuse to take their opinions ready-made from any outside authority, however respectable or highly placed.

On the other hand, the *form* of our government is now very democratic, above all in the matter of elections ; for the list of voters could not possibly be made very much larger than it is. But it is not enough that practically the whole grown-up population should have the right to vote if the vote can only be given for the complete programme of one party or another. A great number of voters do not agree altogether with the views of any one party, and they cannot, therefore, make their true opinions known by the present method of voting. Can any arrangement be made, then, for a fuller and more exact expression of public opinion ?

## PROPOSALS FOR REFORM

One proposal often put forward as a remedy is that of a Referendum, or Poll of the People. The general scheme of (1) **Referendum** the referendum is simple. In addition to choosing candidates at elections the people would be asked to vote from time to time on particular questions. For example, such questions as these may arise in the near future : Should the Members of the House of Lords be elected by a popular vote ? Should the railways be taken over by the nation ? Ought we to have a protective tariff ? If a League of Nations is fully established, how much power in controlling the Army and Navy and in other ways, is to be given up to the League ? Any questions like these, of great importance to the whole nation, would be referred to the electors before Parliament came to a decision.

There is much to recommend such a proposal. It would enable the people to show their opinion on every great problem,

and the government to test the feeling of the people more accurately than it can under the present system. It would also put the non-party elector in a much better position. He could vote with a clear conscience for any candidate who seemed likely to be a good Member of Parliament, even if the candidate's views did not quite agree with his own; for he would have a chance of voting separately on the main questions on which their opinions differed.

The chief difficulties of the referendum are practical. How would any given question be put to the people? They might be asked to vote on a general principle; to say, for instance, whether they would like an elected House of Lords or not. But such a vote would be vague. Various electors might have various schemes in their minds; and even if they voted in favour of the general principle, very few of them might agree with the actual scheme put forward by the government. On the other hand, if a detailed scheme were set before the electors, and they were asked to give their consent to it, many of those who differed on matters of detail would vote against it, although they were in favour of the general principle. Therefore if a referendum were carried out in this way, if a detailed Bill were brought forward every time, the result might quite possibly be to hinder reform. The people might seem to be opposed to a reform which they really desired.

Further, if the referendum were freely used, Parliament would lose a great part of its power and responsibility. It would cease to be the chief law-making body, for the whole mass of electors would decide every important question. Even if a referendum were only taken as a matter of advice to enable the Ministry to test public opinion, its decision would really be final. No Ministry could afford to ignore the result; for if it did so it would be acting directly against the declared wishes of the people, and it would certainly come to grief at the next general election. The proposal usually made, therefore, is that the referendum should be used at the discretion of Parliament, when the two Houses disagree, when there is an uncertainty about public opinion, or when a considerable section, say a quarter, of the House of Commons,

ask for an appeal to the people. A referendum used in this way would not be open to serious objection.

It might still put some check on reform, but its chief effect would be to prevent changes that were not desired by the mass of electors. And it would have the great advantage of helping the non-party voter, an advantage which would counterbalance a multitude of minor faults. A Parliament which contains men of sound judgment, wide sympathies, and some originality of thought, is likely to be more useful than a mere assembly of voters who will automatically follow their party programmes. The referendum would help to secure such a Parliament, because it would encourage the electors to vote for men rather than parties.

Another scheme for bringing the government more closely into touch with public opinion is known as Proportional Representation. We have described the present system of elections as a rough and ready way of ascertaining what the public want. At times it is not even that: a general election may give quite a false impression of public opinion. Once or twice in the last half-century the party with a majority in the House of Commons has actually had a minority of votes at the election.<sup>1</sup> In 1906 there was a sensational change in Parliament. A substantial Unionist majority was suddenly turned to a huge Liberal majority. But it was found that only 18 per cent of the electors had gone over from one party to another. The great "landslide" in Parliament was produced by a comparatively small movement of public opinion. So, too, was the extraordinary victory of the Coalition in 1918. The Coalition Government had by no means a large majority among the voters, but it secured an unprecedented majority of seats in the House of Commons. And at almost every general election the party in power has a strength in Parliament out of proportion to its following in the country. Many people, indeed, regard this state of affairs as a positive advantage, because a government

<sup>1</sup> E.g., in the general election of 1886, when the Unionists, with 2,049,137 votes, had 387 seats, and the Liberals, with 2,103,954 votes, had only 283 seats.

needs a strong following in Parliament in order to carry out its programme, and it is both troublesome and risky to work with a very small majority. Our decision on this point will depend on our view of the present party system.

Advocates of proportional representation claim that their system will avoid this disparity between parties in the House and opinion in the country, and will remedy most of the other evils of the ordinary method of election. It is proposed to set up large constituencies, each consisting of a whole county or an important town, and each returning several Members.<sup>1</sup> The effect of forming these large constituencies must be explained before we go further. When there is only one seat to be filled, a candidate who secures more than half the votes is bound to be elected. When two seats are vacant, any candidate who receives more than a third of the votes has made sure of his election to one of the seats. And in the same way if seven Members are to be chosen, any number of votes above one-eighth of the total will ensure a candidate's success. Whatever the number of seats to be filled, if we add one to the number, divide the total number of votes by this amount, and add one to the quotient, we shall arrive at a figure which represents the number of votes needed to secure election. Thus, if there are six seats and if seventy thousand electors have voted, ten thousand and one will be the number required. Such an amount is technically called the *quota*.<sup>2</sup>

Now any votes which a candidate receives in excess of his quota are of no use to him, and under the present system they are simply wasted. The chief object of proportional representation is to use this surplus in the election of other candidates. The method of distributing the surplus is too complicated to be described here, although it presents no

<sup>1</sup> In the scheme adopted in 1918 by the House of Lords it was suggested that about twenty single-Member constituencies should be retained in country districts, and that the other divisions should return from three to eight Members each.

<sup>2</sup> If there were seven candidates or more for the six places, it would be impossible for more than six of them to have over 10,000 votes each; so that anyone who had more than that amount must be among the six most successful candidates.

difficulty to the voter. By means of this system of the "single transferable vote" it is possible to avoid almost entirely the present waste of voting power—the many instances in which an elector's vote has no practical effect—and to choose a Parliament or a local council which reflects with remarkable accuracy the strength of parties among the electors. There is clearly a solid advantage in thus keeping the law-making bodies in close touch with public opinion. There is a further advantage in the fact that proportional representation, like the referendum, helps to secure the election of men of moderate and independent views. Such men have a better chance of gaining a quota in a large constituency than they have of gaining a majority in a smaller division.

But are there any drawbacks which should make us hesitate before changing our system of elections? Several **Objections to** criticisms have been urged against the method **Proportional** of proportional representation. Perhaps the most **Representa-** serious is that it would make both voters and **tion** Members more than ever the slaves of party. The reason given is that in a large constituency most of the candidates would be little more than names to the electors, and each elector would have to be content with voting for the Members of his own party without regard for their personal qualities.

The same critics who put forward this suggestion sometimes add, not very consistently, that the proposed system would lead to the election of all manner of cranks, and men with ideas conflicting with those of the organized parties. Groups would be formed to promote fads and private interests, and their presence in Parliament would produce "either chaos or a system of bargaining, by which each little group of interests would bargain with the others for an unobstructed passage for its measures, in return for a similar concession. The result would be either sterility or a torrent of ill-considered measures."<sup>1</sup>

Minor criticisms relate to such matters as the expense of elections and the difficulty of carrying out by-elections.

<sup>1</sup> Jenks, *The State and the Nation*, p. 297.

We cannot stop to examine any of these criticisms in detail, and it is scarcely necessary to do so, because the whole matter has often been put to the test of experience, and it has been found (as it was with democracy thirty or forty years ago) that the evil results which the imagination of critics has foretold do not appear in practice. Proportional representation has been adopted for central or local bodies in several parts of the British Empire—in Holland, Belgium, Switzerland, Sweden, Denmark, Finland, and in our own country for university constituencies. In Ireland, the success of the new system in Sligo has led to its extension to local elections in general. Wherever the system has been tried it has found favour and has become a permanent institution. It has been included in the new constitution of Germany, and in all probability it will soon be widely used in Great Britain. The experience of other countries shows that we need not expect any disastrous consequences to follow its adoption.

We should notice, however, that it does produce rather small majorities, and brings into the law-making bodies a **Groups and number of men** who are not closely bound to **Coalitions** any party. Thus both the referendum and proportional representation would tend to weaken party government. But there are signs that party government as we know it may be weakened without the help of any artificial schemes. Our Parliament appears likely to split up, as many other legislatures have done, into a number of groups, ranging from Conservative to Socialist. In several other countries it has been the custom during the past century for the seats in the Parliament Houses to be arranged in semicircles, facing the president's chair. Conservative deputies sit on the president's right, extreme democrats on his left, and between these wings the moderate dispose themselves in order of their "progressiveness." There is no such clear division of the House into Ministerial party and opposition as there is with us; and a Ministry often takes no notice of defeats, but stays in office when its followers are in a minority. To adopt such a system would be to change the whole of our Parliamentary methods; but unless

our present groups coagulate again we shall have to adopt some of the methods of foreign countries. The tradition of Ministry and Opposition is likely to continue, for it is very firmly rooted in our history. But we may expect the "coalitions" of two or more groups, which started during the war, to continue as well. Various groups will probably agree on a programme for a particular election, and will try to secure a majority of Members in support of that programme. The Ministry will be drawn from the groups which form the majority, and these groups together will constitute the Ministerial party. But the parties will be less stable, perhaps less strictly disciplined, and rather less secure of their majority, than the Liberal and Conservative parties of the nineteenth century.

## BOOKS

DEPLOIGE.—*The Referendum in Switzerland*. Describes the working of this institution in a country in which it has been fully established for more than half a century.

HUMPHREYS.—*Proportional Representation*. A detailed study.

FISCHER WILLIAMS.—*The Reform of Political Representation*. A short and very clear statement of the case for Political Representation.

Criticisms of Political Representation are offered in Jenks's recent work, *The State and the Nation*, DICEY's *Law of the Constitution* (Introduction), and GRAHAM WALLAS's *Human Nature in Politics*, Part II. ch. ii.

## CHAPTER XVII

### AIMS OF GOVERNMENT

SO much for the characteristics of government itself. We must next ask what are the needs of the people, and what are the special problems that lie before government at the present day. The first, the most elementary need, and in all probability the first reason for organized government among savage men, is security, or protection. We have noticed that civilization first went ahead in countries which were protected by Nature from invasion. That is one kind of security. But the early homes of civilization were also lands in which communications were easy, so that the government could send out its orders and exert its power over a wide district. In this way the government was able to protect the people in a double sense: it could organize them against enemies from outside, and it could protect them against each other. The second service—preventing injury to private persons—is one of the great works of government even at the present day. It is carried out by means of punishment for acts or threats of violence, by police protection for threatened persons, by shutting up those who have actually done violence, and so keeping them out of harm's way, or by the death sentence for murderers; and to an appreciable extent the peace is kept by the fear of such punishment. Moreover, the mere fact that most men lead orderly and peaceful lives is itself a great safeguard against crime; for any breach of the peace is conspicuous and, therefore, the more likely to be punished; and the mere pressure of public opinion in favour of law and order prevents many ill deeds. But public opinion alone, without the support of government, would not go far. The proof is forthcoming



in any time of revolution : when government is in abeyance evil men break out to murder or destroy, and quiet citizens go in continual fear, uncertainty, and suspicion.

Personal safety is the prime need, but from the very early days of government it has been closely bound up with another **Protection** need, the protection of property. Everywhere, **of Property** and in all ages, there have been men who were ready to annex the wealth of others by force or guile. It is the business of government to restrain them by setting up standards of honesty in the laws, by punishing those who fall short of these standards, and again by the general atmosphere of order which inclines men to lead upright lives.

With the growth of towns and trade the work of securing property has become much more complicated. A regular and smooth-running national life is one of the first essentials for good trade. Wars, revolutions, plagues, earthquakes, riots, disasters, or disturbances of any kind, even political troubles which cause no breach of the peace, are all obstacles in the path of commerce. In recent times the needs of trade have gone further than the mere demand for an undisturbed life ; for *credit*—personal trust—has become the chief bond of the business community. Every deposit in a bank, every cheque, Treasury note, postal order, or bill of exchange, every delivery of goods for which payment is not made at once in cash, every investment in stock of any kind, every partnership, every contract, implies that some one is trusting some one else to carry out his promises. The builder who puts up a house for a doctor trusts that the doctor will pay him when the house is finished, and the doctor in turn trusts that his patients will pay the accounts which he sends them some months after the date of his attendance. The whole world is so bound together by mutual trust that the failure of one man to fulfil his contracts may bring ruin to thousands. In the year 1907 a banker in the United States made an unsuccessful adventure in copper mining. His own banks failed, and their failure caused a sudden panic all over America. Within a few days the trouble spread to Great Britain, Europe, and the whole world, so that even in the South Seas banks had to stop payment, and some of them were ruined altogether.

Most men can be trusted to make good their promises: if it were not so, modern methods of business would be impossible. But there is still a great work to be done by all governments in *supporting* credit. In our own country there is a huge mass of commercial laws, dealing with joint-stock companies, partnerships, banking, contracts, bankruptcy, and business transactions of every kind; and the civil courts exist to ensure that every man shall have whatever the law allows him to claim from other men. It may be that not one transaction in ten thousand has to be brought to the courts for settlement: in nearly all cases men do carry out their undertakings fully. But sometimes they fail, and then the government steps in and compels them to perform their duties. Thus the law stands behind each contract, behind each individual promise, giving that additional guarantee which enables trade to go forward with smoothness and certainty.

The guarantee is needed above all for new undertakings and experiments—working a fresh invention, exploiting an unknown country, opening up a market in some foreign land. All such enterprises must involve some risk, but the adventurer wants the risk to be as small as possible. A great deal can be done privately by means of insurance, but the support of the law, or of the government's consuls abroad, is a further insurance of the greatest value. Seeing that all progress of trade, from the local market of the Middle Ages to the world market of modern times, and all the growth in man's power over Nature, has been due to enterprise, we can judge how important to every one is the security of trade brought about by good government.

We have already seen some other measures for security: the policing of the seas against pirates (a further protection **Guaranteed** to trade), regulations for the storing of explosives, **Standard** the coroner's inquest, the control of traffic, **pro-**  
**of Life** vision against fires. But these measures by no means exhaust the list. In recent times our ideas on the subject of security have undergone a remarkable change. Working men often advance a claim which they describe as the "right to work." They sometimes explain that this phrase means security, and they state that security is more

important to them than higher wages or any other advantage which they can demand. The right to work really means the assurance that if a man is willing to work for his living he shall have a decent living in return for his work: or, in other words, it means security for a fair standard of living. The justice of this claim is now generally admitted. We no longer think it enough to have bodily protection and safeguards for trade and property; we believe now in guaranteeing to every one not only a reasonable chance of life, but a reasonable standard of life, and giving security against any misfortune which would lower that standard.

What does this new idea imply? It means, above all, an attempt to get rid of poverty. Ever since the sixteenth century overseers and guardians have been ready to help those who were quite destitute, to give them food, shelter, and clothing. The government, working through local officials, undertook to see that no one in the country should be left to die of starvation or cold. But that is only a bare security of life. So long as a man could earn just enough to keep himself and his family alive, however wretched their condition might be, the government did not help him, and did not profess to help him. A sharp line was drawn between those who were independent—able to make a living, and those who were destitute—unable to make a living. Now, however, we aim at helping all those who are poor to better their condition, and we have begun to try not only to relieve, but to prevent destitution. Great masses of "independent" workers are still living in overcrowded and ill-built houses, breathing bad air, seeing no beauty around them, performing dull work for long hours. They themselves and their families are often underfed or unwholesomely fed, ill-clothed, and half-educated. A slight turn of fortune against them may at any time leave them destitute. The security enjoyed by such people is security for a life that is scarcely worth living. Moreover, millions of better-paid workers, who are by no means in poverty, may at any time find themselves thrown out of work, and in that case they too may soon sink into destitution. These are the evils which have to be overcome by the provision of a secure standard of life.

What does this provision actually mean in practice? We cannot attempt to answer the question fully. To do so would be to describe the countless movements, both public and private, for the raising of social conditions and standards. All that we can do here is to mention a few of the most important measures.

One of the chief causes of poverty is *unemployment*, a trouble for which there is no easy cure. It may be that the population is too large for the country, that there are more people than can be maintained in comfort with the available materials and methods of production. That was certainly the case in Ireland early in the nineteenth century, and it is possibly the case to-day in some more highly industrialized countries. When there is a surplus of population the only remedy is emigration. Further, there may be natural weaknesses in individuals which make them unemployable. Such troubles cannot be completely remedied by government. But these are by no means the only causes of unemployment, and several of the other causes are such as governing bodies can overcome to a large extent by proper organization. In many cases there is work to be done, and there are men prepared to do the work, but no adequate arrangement has been made for putting the men into the vacant places. The problem is then to organize the labour market on the best lines, and to train up boys and girls as efficient workers in trades which offer good opportunities for steady employment. The chief direct means of meeting the problem is the system of employment exchanges managed by the Ministry of Labour. During the war they did an immense work in supplying labour for munition-making and other industries. In the period of demobilization they have undertaken still greater and more difficult tasks, and have become a very important factor in the business of the nation. The juvenile employment exchanges have not yet developed very far, but they have before them a wide field of useful work in finding good openings in trade for young people, and co-operating with teachers, doctors, parents, and members of after-care committees, in choosing the best occupation for each boy and girl. A great deal of unemployment and unhappiness is due to the

fact that workers have gone into trades which are overcrowded, or for which their talents do not fit them. The juvenile employment exchanges can do much to remedy this evil ; and in doing so they will perform a very important service, for a nation in which most of the workers had occupations suited to their tastes and abilities would be far happier than any that has yet existed.

Those who have a thorough knowledge of some trade and a good general education are not likely to be long without employment. Therefore the *continuation schools*, mentioned in Chapter XIII, will be a further means of preventing poverty. Moreover, a well-trained worker does more valuable work than he would have done with less education or social training. In a few years' time all young people will be given a schooling and technical training such as only the more fortunate have at present, and it follows that they will be able to produce an increased amount of wealth, which will bring greater prosperity and more scope for labour.

Ill-health is another important cause of poverty. Therefore all the provision for *public health*, which we noticed in studying the district and county councils, is, from one point of view, a means of increasing prosperity.

When the Commissioners on the Poor Laws were preparing their great report which was published in 1909, they found that more than half the inmates of many workhouses had become destitute through *intemperance* ; and there is no doubt at all that alcoholic drinks keep a vast number of people in poverty, although many of these persons may just manage to avoid unemployment and the workhouse. Here is a very wide opening for reform on the part of government. A little has been done already. The heavy taxes on beer and spirits undoubtedly check drinking to some extent ; but the huge revenue which they bring in to the government, and the great prosperity of the brewing and distilling industries, show that only the fringe of the problem has been touched. We have noticed that government now owns some breweries, distilleries, and public-houses. There is much to be said in favour of its buying up the whole trade, supplying drinks of all kinds under good conditions ; without specially

encouraging the customers to drink alcohol, but rather encouraging the use of non-intoxicants, and making alcohol largely for use in manufacture or as a fuel. There is also an urgent need for further restrictions on drinking, whether the trade is publicly or privately owned. Wherever the sale of alcohol has been restricted or forbidden altogether, the effect in reducing crime and increasing general welfare has been extraordinary. Many reformers think that government should simply control and try to diminish the sale of alcoholic drinks, without taking any part in the trade. We must leave as an open question the merits of these two rival policies.

Poverty is not confined to those who are unemployed. Very many persons who work for long hours are still miserably poor because their *wages* are low. Happily the government has taken in hand the problem of sweated industries in a statesman-like way. Committees, known as Wages Boards (or Trade Boards) are formed in each district in which a particular ill-paid trade is carried on. The Boards contain a few members elected by employers, a few others elected by the workers, one or two outsiders chosen by the Ministry of Labour, and a chairman who is an official of the Ministry. It is the business of each Board to decide from time to time what wages can reasonably be paid in the district over which it has control. In this way the government is able to insist on a *minimum wage*, which is never, indeed, very ample, but at least guarantees to the workers a better living than they had before the Boards were set up. Employers often welcome the minimum wage. Many of them would have been willing to pay higher wages before, but they feared the competition of others who would still pay a sweated wage. The fixed minimum now protects them against such competition, and enables them to raise wages with an easy mind. And the increased wage need not mean an increase in the price of the goods produced, if the higher wages and better conditions result in a larger output on the part of each worker. Wages Boards were first confined to four trades, but they are rapidly spreading, and before long they will have spread to all trades in which they are seriously needed. In many industries the

workers have strong trade unions, and are able to look after their own interests. The union officials and employers have agreed on minimum rates of wages, and the agreement is just as binding as the order of a Wages Board. But when the workers in an industry have no union, and are badly paid, there is a case for the formation of a Board. Before the war one of the greatest industries of all—the agricultural industry—had no effective trade union, and in many parts of the country farm labourers had very low wages. During the war, however, the government stepped in and compelled farmers to pay a standard wage to their workers. The regulation still stands, and is likely to continue.

Not only wages, but *conditions of work*, are often controlled by government, which thus makes itself responsible for securing good surroundings for the people both at home and at work. The first Factory Act was passed more than a century ago. Since then the body of factory and workshop regulations has grown steadily, until it has become in itself quite a large code of laws. Besides wages and working conditions, government regulates *hours* of work in some trades. A few years ago the Shop Hours Act secured a weekly half-holiday to all assistants in shops and restaurants. As long ago as 1850 an Act of Parliament provided for a fifty hours' week in textile mills. The daily work of miners has been reduced recently first to eight hours and then to seven. The Board of Trade has granted an eight-hour day to railway workers; and there is much talk of its extension to industries in general over the whole country.

Ill-health and unemployment have been mentioned as frequent causes of poverty; and in spite of all that any government can do some people will fall ill and some will be unemployed. Therefore a system of *insurance* has been set up to provide against both of these evils. The health insurance, which secures medical treatment for workers with incomes of less than £160, is one of the most familiar institutions in the country, for all workers and all employers have to pay contributions each week by means of stamps fixed to the insurance card. Insurance against unemployment, like the system of Wages Boards, was applied first to only a few trades, but

its scope is gradually being extended. Thus the government's policy is first to prevent illness, as far as possible (and "preventive medicine" is becoming a more and more important part of medical science), and to prevent unemployment as well; but when illness and unemployment occur, to help the sufferers to tide over the difficult period by means of payments from the National Insurance funds. The details of management, especially of the health insurance system, are still open to criticism, but nearly every one agrees that the general policy is sound and very desirable.

Finally, a large number of workers, even if they live very carefully and allow themselves little recreation or indulgence, cannot save enough to keep themselves comfortably in old age. Until a few years ago they had to live at the expense of their families or go to the workhouse. The *old age pensions*, paid by the Treasury out of the Consolidated Fund, and distributed through the Post Office, now enable old people to feel much more independent and to live in greater comfort. Again, although there is general agreement on the principle, the methods are by no means perfect. There might, for example, be a system of insurance for annuities as a supplement to the pensions. And the Treasury certainly ought not to be made responsible for the payment. The fact that the Treasury has itself become a "spending" department has already weakened its control over the other departments.

No one can question the importance of these works, and few would deny that they are necessary if the country is to be freed from some of its worst evils and made a tolerable home for the mass of the people. But we have so far treated the work of government only as a means to *material* comfort and welfare. Certainly a fair amount of material welfare is needed if mankind are to have the fullest and highest life; but other things are needed as well, and the history of many a plutocrat shows that culture and spirituality do not always result from the possession of worldly riches. Government, too, must take account of something more than mere security. In fact, governments have always done so; for the laws of the most primitive races of which we have knowledge, although they are in part designed



for the safety of the subjects, are also in part precepts of religion.

Now a number of works which we have noticed in this chapter have as their aims something higher than mere security of persons and property, or mere physical welfare. The laws against violence and fraud are examples, and the best example of all is education. In the case of education, the object, or one great object, is to train people up to certain standards of conduct, to set the dividing line in their minds between right and wrong as high as possible. In the case of laws and law courts, the object is not to teach, but to compel. We have spoken of the "minimum standard" of comfort set up by the social work of government. Here we meet with another minimum standard set up by the law, a standard of moral conduct; and we may call this branch of the government's work the enforcement of justice.

Now justice means fairness, and the laws which are made and enforced by Parliament and the local bodies represent those things which the Members, and, as a general rule, the majority of the people, regard as fair. Further, in obeying the law, in carrying out the orders regarded as fair, we are doing what is held by the law-makers to be our *duty*. We may say, then, that in enforcing certain lines of conduct the government is compelling us to perform our duties—those things which are necessary for the security and general welfare of our fellow-citizens. In some cases the duty is positive: we are ordered to do particular things. In other cases it is negative: we must avoid doing what is forbidden by the law. We are ordered, for instance, to pay rates and taxes, to keep our contracts, to see that our children are educated; and, on the other hand, we must refrain from robbing or attacking our neighbours, raising a riot, letting a savage dog run loose, or driving a motor to the danger of the public.

But we must be careful in our use of these words justice, fairness, and duty. Most of us can think of duties—acts of kindness and devotion—that are not mentioned in any law. The law only takes part of our income in taxation; we may, however, think it our duty to pay a large proportion of the remainder to charities. The

**Ideal and  
Practical  
Justice**

law commands a man to see to the education of his children : it does not say that he must work hard and save money in order to give them the best possible education. And we may feel that many things allowed by law are by no means fair. We may regard it as far from the ideal of justice that some children, through no fault of their own, should grow up among squalid surroundings and all manner of evil influences, while others are surrounded all their lives with beauty, culture, and kindness. In what sense, then, can we say that the existing law is fair ? The fact is that the justice of the law is not ideal justice. Law-makers ought, indeed, to have high ideals before them and to work towards their ideals, but in framing laws they must take account not only of what is desirable, but of what is practicable. They must ask concerning every proposal, not only whether it is a step in the right direction, but also whether it can be put into force.

If the government tried to make ideal laws, some of its first measures would be to order us never to lose our temper and always to tell the exact truth ; and it would have to pass something resembling the Golden Rule as a statute. But what would be the result if a serious effort were made to enforce such laws ? The courts would at once be flooded with cases. Many of us would be ruined by fines, or would pass our lives in prison : all of us would have to spend so much time in court, serving on juries, giving evidence, or appearing in the dock ourselves, that the ordinary business of life would be brought to a standstill. A law that cannot be enforced with a fair amount of strictness and success had better not be passed at all. And if the laws are to be successful they must be such that most people will regularly obey them : the law-breakers must be so few that the courts can deal with them effectively. It was for this reason that we described the conduct enforced by law as a " minimum standard " : it represents not the utmost nor the average, but the least duty that the government expects from us. The government can only demand that men shall act in such a way as just to keep out of the clutches of the law, but it leaves them free to do as much better as they like. At the same time the standard laid down by the law is in another sense a maximum,

for it is, or ought to be, the highest standard of conduct that government is able to enforce.

Now if a nation is progressing—if the people are becoming better educated, more kindly, and more public-spirited—it is clear that their standards of behaviour will improve. In that case the government will be able to enforce laws which make higher demands on the people; and every government ought to be constantly prepared to raise its minimum standards whenever the opportunity occurs.

But we can go further, and say that the law itself ought to be a means of improving conduct. Whether it is so or not depends largely on the methods used to enforce the law. We must ask, then, how our law is enforced, and whether the methods used are likely to produce the best results.

In answering this question we must distinguish between civil offences and crimes. In a civil case the object is simply to make good an injury and satisfy some person who has been aggrieved. The injury is not always of such a kind that it can be repaired, but in very many cases the payment of money as "damages" is all that is needed. The plaintiff is satisfied, and the court in ordering and enforcing the payment has done all that anyone could require of it.

But it is otherwise in the case of crimes. The object of government in laying down criminal laws is to prevent crimes. But what when a crime has been committed? The law has so far failed, for a crime once committed can never be undone.

In ancient times most men did not hold this opinion. They believed that in some sense a crime could be cancelled. In the ancient Greek cities, for example, it was held that a crime polluted the whole city, and so put the citizens on bad terms with their gods. But by certain ceremonies, which included the punishment of the offender, the gods could be appeased, and all would then be well. Some races had a different method of cancelling crime. Deeds which we regard as crimes were treated by them as civil offences—even murder was a civil injury for which atonement could be made if a suitable sum were paid by the murderer or his relatives to the relatives of the victim. This case, however, introduces

another idea of punishment. The payment of a fine might satisfy the law, but very often it did not placate the victim's family : they sought a vengeance, head for head, from the evildoer or his kinsmen. The other family would retaliate, and so a feud would develop which would continue perhaps for several generations.

We do not believe to-day in such crude methods of following up or cancelling a crime ; yet undoubtedly something of the idea of the blood-feud still remains. Revenge is no longer left to an individual or a family ; but many people feel that in punishing an offender the judge and the police officials are doing vengeance on behalf of society. We are still apt to carry in our minds the belief that justice consists in a tit-for-tat retribution, that a man must be made to suffer according to his sin. There is some truth in this belief, but it very often rests on a sandy foundation. Our indignation is quite rightly stirred by wickedness. If, however, we demand that an evildoer shall be punished in order to appease our anger, we are merely stepping into the place of the ancient gods or the parties to a family feud : we are claiming that justice is satisfied and the crime in some sense cleared away when our wrath has abated, and that justice can be done in no other way. Punishment, if it had no better warrant than this, ought not to be given at all, for it would do no good : it would only serve to set at rest an emotion in ourselves which ought not to be satisfied in this particular way. We must discover, then, whether modern law has any sounder reasons to show for the penalties which it prescribes.

One reason is that the fear of punishment prevents crime. A person once punished may be less disposed to offend again, **Prevention** and others know that if they follow him in crime **of Crime** they will probably follow him to prison as well. The more efficient the police system, the more useful punishment is likely to be in this way, and the less it will be needed. For if a crime is almost certain to be found out and punished, those who are tempted to commit it will have a very strong inducement to resist the temptation. The penalties of the law make little appeal to the highest and best qualities in men ; nevertheless they are exceedingly useful, for by pre-

venting crimes and disorders they enable the lives of most people to be spent in comparative quiet and safety. That is a benefit, indeed, which is great enough to cover many defects. There is still no more important service done to us by good and firm government than that of saving us from the horrors of anarchy, and setting us free to pursue the ordinary affairs of our lives in peace.

We have rejected the idea of mere revenge, of punishing in order to satisfy our indignation. But there is something to be said for making the punishment fit the crime, for punishing great offences severely and trifling ones more lightly. We want to make the worst crimes, which are the most dangerous to society, as rare as possible : therefore we rightly make the consequences serious for the criminal. Our system is by no means perfect in this respect. We often punish small crimes, such as petty dishonesty, as severely as much worse offences—wife-beating, for example—with the result that convicted persons often have a sense of grievance. They feel that if they have done wrong the law has also done wrong to them ; the sense of injustice hinders them from feeling remorse or a desire to do better ; and they have little compunction in breaking the law again if they can do so with a reasonable chance of success. Our present system of penalties suggests, too, that the law-makers have set property very high in their scale of values as compared with human welfare.

Moreover, the kind, as well as the amount, of some penalties is unsatisfactory. A schoolboy who has accumulated " detentions," " lines," or " drills," which will fill his spare time for several weeks, is apt to miss the connexion between his punishment and the breaches of discipline which caused it. He regards the punishment as consisting merely of so many unpleasant tasks which have to be worked off as far as possible before the vacation. In the same way the mechanical " five shillings and costs " of our law courts often fails of its purpose, because it has so little connexion with the offence. Very many persons have been fined or have undergone short imprisonments scores of times for similar offences, and their desire to break the law is no whit the less keen for all the punishment they have received. We may contrast their

experience with that of a London wine merchant in the fourteenth century who was found guilty of selling bad liquor. He was compelled by the court to drink some of the condemned wine, and to have the rest of it poured over his head—a punishment far more impressive than a fine of a few shillings. We need not go back, indeed, to such crude methods as this, or to the stocks, pillory, and ducking-stool; but there is no doubt that more varied punishments, making a stronger appeal to the imagination, would have more effect than a dull round of fines and imprisonments.

Now the second and chief justification for punishments is that they help to reform the offender. To frighten a **Punishment** criminal away from crime does some good, because **and** it keeps society in order. But it is clearly far **Reform** better to take away all desire to break the law, and to implant in the mind of the offender a real wish to live as a useful and responsible citizen. We have just suggested that the small punishments given in petty sessions often have little effect, or have the wrong effect, on the mind of the convicted person. If the same is true in the case of more serious offences and more dangerous criminals, we must conclude that our system is still unsatisfactory in this important respect, that it fails to improve the offender's character. Unfortunately, that is very often the case, and the effects of the heavy sentences given in the higher courts are worse than those of the small punishments given in petty sessions. The criminal who has spent several years in a convict prison is liable to come out broken in spirit, degraded in character, and unable to earn an honest living even if he wishes to do so. The rigid discipline and monotonous work crush out his individuality, in the atmosphere of suspicion he loses all sense of responsibility, and at the end of his term he is much less fit to act as a free citizen than he was at the beginning. The following statement was made by Prince Kropotkin, who had a long experience of some of the worst and some of the best prisons in Europe: "The prison population consists of heterogeneous elements; but taking only those who are usually described as 'the criminals' proper . . . what struck me most as regards them was that the prisons, which are

regarded as a preventive measure against anti-social acts, are exactly the institutions for breeding them and for rendering these offences worse and worse."

Every one who studies the question seriously must come to something like the same conclusion. The fact is that the modern system of imprisonment was devised about a century ago as an experiment, and that the experiment has not proved successful. In earlier times, although offenders were often punished by being put "in ward," prisons were mainly used to accommodate all sorts of persons who were awaiting their trial, to keep undesirable people out of the way, or to detain debtors until their debts were paid. The punishments were commonly of a corporal kind—hanging, flogging, the pillory, and so on—or else the prisoner was let off with a fine. Reformers of a hundred years ago, such as Bentham, Howard, and Sir Samuel Romilly, succeeded in doing away with most of the corporal punishments, and in substituting imprisonment as a more humane measure and more likely to reform the criminal. The result has been disappointing. Even as a means of keeping the criminal away from his fellow-men the present system is not very useful, for after a few months, or years, he is let loose upon society again, under such conditions that he is very likely to repeat his crimes.

The problem of improving the system of punishments is attracting more and more attention as its importance is more fully realized. It is important, because the punishments imposed by law courts are the final means by which government keeps order, provides for the safety of the people and their property, and maintains the minimum standards of conduct. If the treatment of prisoners were such that it really improved their characters and restored them to freedom as useful citizens, not only the prisoners themselves, but the whole people, would benefit.

The method most strongly recommended is that of sending a prisoner to jail not merely for punishment, but for treatment as well. He is put under the care of experts, who set him to some employment as far as possible suited to his talents. They keep him under discipline, but at the same time they give him as much responsibility as he seems able to bear. He is

made to feel all the time that he is on probation, that the object of his confinement is to fit him to take his place as an ordinary citizen, and that the time when he will regain his freedom depends on his own conduct. This system makes great demands on the prison staffs, but it has already been worked with success, especially in the United States, where the Mutual Welfare Leagues in New York prisons have had amazing results. In our own country the new system is already used for children and habitual drunkards ; and public opinion is tending towards its more general use. Its adoption will undoubtedly mark an advance towards an ideal system of justice.

The modern point of view in regard to punishment was well stated by King Edward VII when he opened the Central Criminal Court in London ; and we may use his words to summarize this part of our discussion : " The barbarous penal code which was deemed necessary a hundred years ago has gradually been replaced, in the progress towards a higher civilization, by laws breathing a more humane spirit and aiming at a nobler purpose . . . I look with confidence to those who will administer justice in this building to have continued regard to the hope of reform in the criminal."

We have spoken so far of justice only as represented by a standard of conduct which the government demands from **Rights** and every citizen. But there is another side to the **Duties** question. If the government imposes certain lines of conduct as *duties* on each individual, the individual demands certain services as *rights* from the government. We expect the government to maintain law and order and to protect us and our property ; we expect local bodies to provide us with clean and well-paved streets, and with good gas and water ; and we expect to be allowed, by means of our vote, to have some control over the policy of government. A hundred years ago the demand most frequently heard was that the government should let the people alone, as far as possible, but to-day our view is very different. We do not consider that justice is satisfied unless the government, in addition to ensuring a minimum standard of conduct, helps the people to maintain that minimum standard of life of which we spoke in the



earlier part of this chapter. We have come to regard it as fair that every one should have this public guarantee of a reasonable standard of life, so far as it can be guaranteed by any public body. Thus, from the point of view of justice, as well as from that of mere security, modern governments find themselves bound not only to make and enforce the law, but to undertake all manner of works designed for social welfare.

It is worth while to dwell for a moment on this change in our idea of justice, for justice, or fairness, is the foundation of all law and government. The standards of conduct—the duties—enforced by government represent the behaviour which can fairly be expected from one person towards another; and the rights which we claim from the government and from our fellow-citizens are a measure of the help, protection, and freedom which should be allowed in fairness to each individual. But if our ideas of justice are changing, it follows that our rights and duties, in so far as they are laid down by government, are changing too.

This fact has not long been recognized. Until quite recent times it used to be imagined that all men had "natural **Natural Rights**" which belonged to them merely because they were men, and had always belonged, and would always belong, to the whole of mankind. The "rights of man" were looked upon as bound by laws as ancient and invariable as the laws of motion or the principles of mathematics. The business of government, as the great agent of justice, was to ascertain these laws and put them into force: in so doing it would be carrying out the ideal of justice. We understand to-day that this idea of fixed natural rights, although it was firmly held for many centuries, was mistaken. If the rights in question were so primitive and so simple that savage men could recognize and adopt them, then civilized men must have far outgrown them. If, on the other hand, they are ideal rights, which will still hold when civilization is much more advanced than it has ever yet been, they must be impracticable for us and utterly impossible for savages. For ideal justice, as we have seen, implies an ideal state of society. The rights which any government can admit and put into practice are those which suit the standards and outlook of the people to

be governed. They are not natural or ideal, but *conventional*.

The earlier thinkers were not, however, entirely wrong. If, instead of saying that government should give men their natural rights, they had said that government should allow, *as nearly as possible*, the rights which men would enjoy in an ideal state of society, they would have spoken quite truly. In actual practice we are working towards an ideal of justice. Rousseau wrote in 1762: "Man is born free and everywhere he is in chains." Within a century serfdom was abolished in Europe, the worst forms of slavery had disappeared from a large part of the earth, and a remarkable advance had been made towards a world in which men should really be "born free." Fifty years ago a few voices were raised on behalf of "women's rights." The claims put forward then are now fully admitted by public opinion, and the most important have been allowed by Parliament. A century ago it was held that men should be left to manage their own careers, and that it was no part of the work of government to see that any boy or girl had a good start in life. But in recent years government has been doing more and more, by improving education, health, and home surroundings, to secure "equality of opportunity" for all men. In these ways, and in many others, the actual world is slowly gaining on the ideal.

John Bright, in a famous speech, contrasted justice with benevolence, and said that "it was not benevolence but justice that could deal with giant evils." The reason is obvious. Justice represents the standard of fairness held by the mass of the people, whereas benevolence is something higher than the common standard of justice. The level of benevolence is reached by ordinary men only in their better moments; and only a few of the best men lead lives which are constantly marked by goodwill. If the remedy of a great evil—such as poverty, of which Bright was speaking—be left to benevolence alone, the forces of reform will be too weak to overcome the difficulties. On the other hand, if a whole nation decides that poverty is unjust, and makes an organized effort to abolish it, that effort is bound to meet with far greater success. But among progressive peoples, in such matters as working con-

ditions, wages, and education, the benevolence of one generation has proved to be the justice of the next. In this way the meaning of justice is changed from year to year : claims made at first by the more generous and thoughtful minds gain wider recognition as rights, and if necessary are carried into law and enforced by government. When, if ever, the process reaches its climax, practical justice will have caught up the ideal, and both will be merged in ideal benevolence.

The maintenance of security and justice are two of the chief ends of government ; but if we ask of all the political thinkers from the days of ancient Greece to our own time (iii) **Liberty** what is the greatest end of government, its greatest benefit to the people, we shall find in their writings the almost unanimous answer that liberty is the most important benefit of all. The ideal manner of life for any man is one which draws out and employs his highest talents, develops and gives full scope to whatever possibilities of good may lie in his character. And in an ideal state of society such a manner of life would be available for all men. An ideal society would show " human nature in its richest diversity " ; the gifts of artists, musical composers, craftsmen, inventors, organizers, thinkers, teachers, spiritual leaders, would be exercised to the full. Each man would be free to follow his own bent, free above all to work out his own original ideas.

But here we meet with a difficulty. A large part of the work of government consists of interferences with our liberty—all the business of police and law courts, all taxation, all regulation of factories and buildings, all fixing of minimum standards of any kind, even municipal and national trading, which rule out certain lines of trade from the field of private enterprise. How can we look for freedom to a government which spends so much of its time and energy in hedging us about with laws and standards of living, and controlling us in our daily occupations ?

We must remember that in our picture of an ideal way of life we did not suggest that every man should be free to follow any inclination, good or bad, but only to develop his highest and most useful talents. The ideal state of society is a state of liberty, but not of licence ; or, in the words of a modern

philosopher,<sup>1</sup> the liberty which good government will provide is liberty to do something that is *worth doing*.

In discussing the position of a king, we saw that the object of Parliament during the last two hundred and fifty years had been to prevent the sovereigns from doing serious harm, and at the same time to leave them as free as possible to do good. The attitude of Parliament towards every individual is, or ought to be, the same: the business of government is to make it difficult for us to do harm and easy to do good. Here, in preventing injury and drawing out good talents, is abundant scope for efforts on the part of government which will not impair, but will rather increase our liberty. We quoted in an earlier chapter John Locke's opinion on the rights and liberty of the king. It is worth while to notice now his statement on the liberty of the subject, and the way in which that liberty is helped by law and government; for no better account of the matter has ever been written:

"Law in its true notion is not so much the limitation as the direction of a free agent to his own proper interest, and prescribes no farther than is for the general good of those under that law. Could they be happier without it, the law, as a useless thing, would of itself vanish; and that ill deserves the name of confinement which hedges us in only from bogs and precipices. . . . So that, however it may be mistaken, the end of law is not to abolish and restrain, but to preserve and enlarge freedom."<sup>2</sup>

Law and government, then, can help us towards the kind of freedom that is best worth having, by checking our lower and more selfish impulses and providing conditions in which our best talents can develop. The work of government is to keep down the tares and to prepare a wholesome bed for the growth of good seed.

All this has long been admitted by political thinkers.

**Government's Sphere of Action** It has been generally recognized that if every one is to have as much freedom as possible, every one must yield up some of his freedom—the freedom to injure the interests of other people. If we are to avoid a ceaseless struggle in which the weak and the

<sup>1</sup> T. H. Green.

<sup>2</sup> *Second Essay on Civil Government*, § 57.

unselfish will suffer, and the strong, mean, and selfish will triumph, government must intervene to hold the balance and preserve the rights of every individual. In this way it will not only maintain order and justice, but it will also increase the liberty of most men, directly by saving them from subjection to other men, or indirectly by freeing them from the necessity of protecting themselves, and so releasing their energies for higher ends. So much is agreed. But when we pass from theory to practice, and try to decide how far the government ought to interfere with our daily occupations and our property, we find great differences of opinion. Some thinkers hold that the possession of wealth gives to the owner so much control over the lives of other men, and is so liable to abuse, that no large masses of wealth ought to be left in private hands. They believe that the private ownership of capital is one of the chief causes of social evils, and that society would be better in every way if all the most important lines of business were owned and managed by the government. Others fear that the public management of production would check enterprise and arrest progress, and that the mixture of politics and business would create even worse abuses than those which now exist ; so that the effect of too much interference on the part of government would be corruption and stagnation.

The question is far too complicated to be discussed here ; for it is really a long series of problems, each of them full of difficulties and ramifications. If, for instance, we are trying to ascertain what businesses could suitably be taken over by the government, we must consider each case on its merits, for no two lines of business are alike in their circumstances. Some are best run on a large scale, and are so far adapted to public management, in others a small private concern is the most efficient. Some industries tend to monopoly, and although a monopoly is not necessarily bad for the public, there is notoriously a risk that it may lead to high prices and other evils. Certain trades deal with necessary goods, and are, therefore, closely bound up with public welfare ; others, dealing with luxuries, are less important to society as a whole. In some trades the methods of manufacture or sale have settled down to a routine, and the character of the business varies

little from year to year ; in some there is constant change and uncertainty, and, therefore, great scope for enterprise and invention.<sup>1</sup> All these circumstances, and many others, affect the question whether any given trade should be publicly or privately owned. In the same way, when we are discussing social measures, such as pensions, insurance, control of prices, and changes in education, there are always possible evils to be balanced against possible good—loss of freedom, for instance, against increase of comfort ; and sometimes it can only be found by experiment whether the evil or the good predominates. We cannot, therefore, find an answer in the form of an exact system, or say precisely how far the government can go in its efforts after social welfare without interfering too much with our liberty.

Nevertheless one or two general considerations may give us some guidance. In the first place, the recent change in our views on security and justice has been matched by an alteration in our idea of liberty, and the alteration in this case, as in the others, has been all in favour of activity on the part of government. A century ago the prevailing view was that every man was the best judge of his own interests, and that if left to himself under proper conditions, he would always seek his own good. Further, if every one was pursuing his own good with success, it would follow that the whole of society must be as happy as it could be made. Therefore the government should only interfere as far as was necessary to prevent abuses and injuries. If it went further it would merely hinder men in their pursuit of good, and would try to decide for them questions which they could best settle for themselves.

This theory of *Individualism* contained much that was sound and healthy, and in the writings of its chief exponents, Bentham and Mill, there is a great deal of political and social wisdom. But experience showed that the individualists looked for too much from common men, and too little from government. For lack of regulation by law, work was carried on in factories and

<sup>1</sup> The case for public ownership is clearly the strongest in trades or services which combine monopoly with routine.

mines under the most appalling conditions, and often for a miserable wage ; the industrial towns developed huge areas of slum dwellings, hideous, unhealthy, and demoralizing ; nine-tenths of the population were allowed to grow up without education ; in countless directions private greed successfully opposed the public good. As these facts forced themselves on the attention of the people, it became clear that much more effort in the way of social service must be demanded from government. Consequently, since the middle of the last century, the activity of government has vastly increased ; and we have come to realize that this increased interference with our private affairs has by no means curtailed the freedom of most of the people.

Let us imagine the case—a very common case still—of a man who has been born and brought up in a slum, in squalid surroundings, and among coarse and half-savage associates. He is ignorant to a great extent not only of book learning, but also of religion, art, music, and all the best things in life. He has been starved and stunted both in body and in soul. He has had no technical training, but earns his living by long hours of dull, unskilled work. If he chafes at his lot he may find himself out of work and destitute ; if he tries to improve his position he is faced with obstacles which few men have the strength and ability to overcome. Before the law he is free ; but if by freedom we mean the opportunity for a full growth of talents and character, then we must admit that such a man has never known its meaning. If the government, acting through local councils and employment exchanges, had intervened to give him a good start in life, to compel him to be educated, to find him a suitable occupation, to provide him with better surroundings, and to afford him some contact with beauty and culture, it would plainly have increased his liberty beyond measure. And in a lesser degree it can serve in a similar way the great numbers who have had rather better, but still insufficient, opportunities. We must conclude, then, that in very many cases interference of this kind can go a long way before it begins to curtail liberty.

But, in the second place, we must not shut our eyes to the fact that it can go too far, and that it can do so in very subtle

ways, which go unnoticed by most people, and are for that reason all the more harmful. Unless the system of teaching **Danger of** in schools, for instance, is very carefully guarded **Interference** it may easily fall into a routine which will turn out quite efficiently scholars with a certain type of training, but will crush out originality, and will fail to develop special tastes and talents. Or, again, in the useful work of helping to choose occupations for children leaving school, and finding work through the employment exchanges, there are possibilities of harm. If the government undertakes to find work for all, it may be inclined to go further and gradually to settle the custom that workers shall remain for a considerable time in the posts found for them. Such a custom would certainly cause a great deal of dissatisfaction and waste of talents. There is, further, the great disadvantage in the public management of industries that it may bring trade into a rut and cause a serious check to enterprise and progress.

That risk is not confined to trade and industry. If the government fences us about too closely it may bar the way to progress in almost any direction. There are many examples in history of governments which have checked the advance of their peoples in this way. Two of the most striking cases are those of the Chinese monarchy and the later Roman Empire; for in both these cases civilization had advanced a long way before it came to a standstill. There were many reasons for this arrest of progress, but one of the main reasons was the existence of a huge, rigid, but efficient government which tried to keep the people as they were, and resisted all new ideas which would tend to upset the established order. If the Roman Empire in Western Europe had remained and had followed the methods of the Eastern Empire, our modern civilization might never have developed, and in some of the most important affairs of life we might still be no further forward than the ancient Romans. But we need not go so far back for illustrations. Many of the rulers of European nations in modern times have tried by regulating trade to increase its amount and spread prosperity among their subjects; but the general effect of this "mercantilist" policy has been to reduce the volume of trade and



put a check on enterprise. One of the chief reasons why the trade of England advanced so rapidly during the eighteenth and nineteenth centuries was that our government interfered less with enterprise in business than any other government in Europe. Another example has already been mentioned in this chapter—that of the German Imperial Government, which deliberately taught the people to agree to the policy known as militarism, the direct offspring of the old mercantilism. The German people were persuaded to subject themselves to their rulers and give away their own liberty, and in so doing they came near to ruining the whole of our civilization.

This case should make us reflect carefully; for although the German Government interfered with the liberty of the people far more than it ought to have done, it did not do so by mere tyranny and oppression, but was actually supported by most of the citizens. It is true that over a great part of the world there has been more individual freedom in recent years than ever before in history. But we must not assume that freedom will always continue to grow, or even that men are bound to keep the whole of the freedom which they have now. Most men will support a government which is able to provide them with a high standard of living: they are content to go on with their daily routine so long as they have comfort, security, and a fair amount of recreation. And it is quite possible for a government, in its efforts to make the citizens comfortable and happy, to go a long way towards robbing them of their freedom without raising any storm of protest: the great majority might not realize that they had lost any freedom at all.

Nevertheless a great injury would have been done. The fact is that the advance of civilization in art, letters, trade, **Importance of Free Enterprise** thought, science, religion, and every other department, has been chiefly due to the work of individual men—men of originality and imagination, who have left the beaten tracks and have adventured in new fields. Such men have always been a small minority, but it is on these few men with a real mission in life that the whole progress of society has depended. It is with their

work, the most important work in the world, that a rigid system of government is most likely to interfere.<sup>1</sup>

But why should there be any conflict between governments and men of original mind? We may turn again to history for the answer. In the reign of Elizabeth, Parliament wished to bring the whole of trade and industry into an orderly system, and to this end it passed all manner of regulations. But the chief effect of this policy was to drive trade away from the towns to new centres in country districts, where it was free from inspectors and rules. This migration of industry was very troublesome to the government and upset all its calculations. Therefore the government did its best to force industry back into the old centres, but, fortunately, without success: if it had succeeded in the contest it would have done incalculable harm to trade and would have impoverished the whole country.

Again, we may recall how Parliament tried to prevent the growth of trade unions at the end of the eighteenth century, because they seemed to threaten the existing order of society. In both these cases it is easy to see why the new enterprises came into conflict with the government: they implied changes, and meant that society was getting to some extent out of control. Now the first business of every government is to preserve order and security; and its work is easiest and most efficient when the whole life of the people is running in a smooth routine. Therefore rulers have a natural desire to see everything arranged according to a neat pattern, without loose ends or awkward joints; and the men who strike out into new lines are very apt to give trouble, especially if their ideas lead to great changes in society.

Certainly in recent years our rulers have not shown much resistance to change, but that may not always be the case, and the changes may not always be in the direction of freedom. The great activity of Parliament in modern times has been chiefly due to the fact that the mass of the people, furnished

<sup>1</sup> New ideas must necessarily occur to individual men, but *organization* is often needed to put the ideas into practice. This question, together with the relation of government to organizations of various kinds, is discussed in Chapter XIX.

with votes, have constantly pressed for a higher standard of living. But when Parliament has done what is immediately practicable to raise the standard there will be less need for activity and stronger reasons for settling down to a routine. Moreover, the work of government is constantly growing, and as it grows the machinery becomes more clumsy and difficult to manage. In order to make their work efficient, Ministers and officials will be more strongly tempted to bind down the people by rules and customs which will prevent any originality or novelty. If this process is allowed to go far enough its effect will be to standardize the people, to reduce their lives to more or less uniform, though perhaps by no means unpleasant, lines, and to deprive the men of originality and enterprise, of their chance of expressing what is in them, and of influencing their fellows. And, as we have noticed already, the change might take place gradually and without attracting much attention or arousing great protest. Such a lapse into a mechanical way of life is one of the chief political dangers lying ahead of us—a real danger, because the scope and complexity of government are always increasing; and a serious one, because it would greatly impede the advance of civilization. The only certain way to prevent it is to bear constantly in mind the supreme importance of liberty—of a full life and full opportunities for all men for enterprise, experiment, and the exercise of whatever talents they may possess. All suggested reforms should be tried by the touchstone of liberty. If they tend towards a rich and varied life they are so far good: if they will in any way limit our freedom, unless they have great counter-vailing merits in other lines, they will stand condemned.<sup>1</sup>

Our civilization is not, indeed, in immediate danger of coming to a stop. Change and experiment continually occur both in government and in the ordinary affairs of life. But we need to watch carefully the direction of the changes. Many recent reforms, excellent in themselves, such as Factory Acts, Wages Boards, State Insurance, and Control of Prices, have brought about an increase of regulation and restriction.

<sup>1</sup> For an interesting note on the standardization of life, see Graham Wallas, *The Great Society*, p. 222.

We need to be on our guard to balance the power of government and the freedom of the individual at exactly the point which represents for most men the greatest welfare and the greatest freedom.

At the present time most men are more interested in making a living than in any other matter ; and thought and enterprise turn very largely in that direction. That is the reason why the interference of government in trade and industry raises such important questions ; government is occupying more and more of the ground which is still the main field of human enterprise. It is possible, however, that in the future—though hardly the near future—the problem of making a living may become much simpler, because the production of wealth may be far more efficient than it is to-day. In that case men will be less absorbed in business affairs than they are now, and more ready to leave the production of wealth to be managed by public bodies. The chief interests of most men would then be in questions of religion, philosophy, science, and art ; and liberty would mean, above all, a full opportunity for progress in these directions. We can imagine such a state of affairs. Nevertheless it is highly improbable that a time will ever come when the production of wealth will settle down to an entirely fixed system, or that enterprise in that direction will ever cease. In any case it is not a question of practical politics, and government under such conditions would be very different from anything that has so far been known.

There is, however, one question of immediate interest in this connexion to which we must allude, although we cannot attempt a full answer. With all the changes of **Specializa-  
tion in  
Government** recent years, and all the fresh duties which have been undertaken by government, will not the system of government itself have to change considerably ? The sessions of Parliament are already overcrowded, and still the volume of business grows. If Parliament clings to its present methods it will certainly lose some of its control over the Ministry and the departments, and the result will be bureaucracy with all its attendant evils—above all, the loss of liberty which we have just been discussing ; for

liberty and bureaucracy have never been found together. How Parliament will deal with the difficulty is still uncertain. In an earlier chapter it was suggested that committees might be set up to watch and control the work of the various departments. That is how the local councils have met a similar problem. Their business is very varied, and to answer this variety different groups of members have specialized in different branches of the work. The House of Commons already has a number of small committees to discuss particular classes of Bills; and it would not be a difficult matter to appoint other committees each of which would report to the House on the affairs of a Department of State. Whatever method is used, the matter of first importance is that a general control over all the work of government should be maintained by a single body, and that this body should be the Parliament elected by the whole people.

### BOOKS

The literature of practical social problems is far too wide to be dealt with here. Miss MATHESON'S *Citizenship* gives an excellent general impression in a very brief compass, together with suggestions for further reading and discussion. Sir S. J. CHAPMAN'S *Work and Wages* (vol. iii. *Social Betterment*) contains a thorough and useful treatment on a larger scale. For penal reform, see especially Dr. MOTT OSBORNE'S *Society and Prisons*, a most interesting record of personal experiences. Professor D. G. RITCHIE'S *Limits of State Intervention* deals ably with a very important topic.

For general reading in Political Theory, the historical survey in Sir F. POLLOCK'S *Introduction to the Science of Politics* offers an attractive way of approach. E. BARKER'S *Political Thought from Spencer to To-day* gives an interesting summary of modern theories of the State, with bibliographical notes. All students of public affairs should read MILL'S *Liberty*, and LOCKE'S *Second Essay on Civil Government*. G. LOWES DICKINSON'S *Justice and Liberty* is a very suggestive discussion.

If the general theory of government is to be properly understood it must be studied not only analytically—as in SIDGWICK'S *Elements of Politics* and WOODROW WILSON'S *The State*—but also historically; for it is very important to understand how thought has evolved with changing circumstances. Some of the most useful historical works are: GIERKE, *Political Theories of the Middle Ages*; FIGGIS, *From Gerson to Grotius*, and *The Divine Right of Kings*; DUNNING, *Political Theories*; GOOCH, *Political Thought from Bacon to Halifax*; LESLIE STEPHEN, *English Utilitarians*; DAVIDSON, *Utilitarians*. See also the works by POLLOCK and BARKER mentioned above. An excellent Bibliography of Political Theory is published by the Historical Association.

## CHAPTER XVIII

### GOVERNMENT AND SOCIETY

**A** BIRD'S-EYE view of a nation at its daily occupations would show us men and women in the shop, the office, the factory, and the home, or at work in the fields ; some would be flocking to churches, public meetings, lectures, theatres, or concerts ; others enjoying open-air sports ; others working out new ideas in the library, the studio, or the laboratory. We should see, too, some of the local bodies in session, perhaps the central Parliament as well, and certainly business being done in government offices and law courts, and inspectors touring about the country. But a moment's thought would convince us that in all this pageant of national life the work of government seemed to be quite a small affair—only one branch of activity, and for most people by no means the main work or the most absorbing interest.

To complete our study we must now try to set the government in its proper place with respect to the whole life of the people. The bird's-eye view would not deceive us, for government is only a small part of all the work of a nation. But in order to understand properly the relation between government and people we ought to watch their work not at any one moment, but through a considerable stretch of time. In other words, we ought to go to the facts of history for our answer. A good deal that was said in the last chapter will be useful to us here. We noticed how in the nineteenth century there came a great change in opinion on the questions of security, justice, and liberty, and how this change resulted in many reforms and much new work for government. But how were these reforms brought about ? In nearly every case some grievance was strongly felt by a

large section of the people : they were not allowed a vote in elections ; restrictions imposed by government hampered their trade ; they had to pay high rents for very bad houses ; prices were kept up by taxes on food, and so on. No single person could cure these evils by his own efforts, and most of the sufferers had little idea of the way to remedy them. But these problems were taken up by able men who had strong sympathies with the people, and had also the power of thinking out measures of reform. Such leaders of opinion were Jeremy Bentham, the legal reformer and democrat ; Francis Place, the champion of trade unions ; Richard Oastler, the advocate of workers in mills and mines ; Cobden, the opponent of the corn laws ; and Lord Shaftesbury, a chief promoter of the public health movement and of several other lines of social service. These leaders wrote and spoke themselves, gathered round them circles of supporters, and organized them until they were able to carry on a regular campaign by means of public meetings, pamphlets, and articles in the Press. In this way they worked up a strong force of public opinion, and as soon as possible they found Members of Parliament who would voice their views in the two Houses. After a time, and often after a great struggle, they secured a majority in Parliament which enabled or compelled the government to pass the reform into law. As a rule the reforming movements had gained some strength in the country before they attracted any attention in Parliament. There are very few examples of movements which were led from the outset by Members of a government ; and there is not a single instance of a reform begun and carried through by a Ministry without a great deal of previous debate and agitation in the country, outside Parliament. The first point to realize, then, is that most changes originate among the people, and are only adopted by Parliament because there is a strong body of public opinion to support them ; or, in words familiar to all students of political science, the law is based on, and reflects, public opinion.

Although the law is actually made by Parliament and confirmed by the King, changes in law and the policy of government depend not simply on the choice of king or Parlia-



ment, but on the wishes and needs of the people, and the government has to adapt itself to those needs. This point has been raised many times in the previous chapters. We have discussed some possible means of making the law answer even more closely to public opinion than it does to-day, and we have seen that the great object of democracy is to give the people control over the making of law. Therefore there is no need to labour the point here. What is important for our purpose is to have in mind a clear picture, first of movements gaining their force among the people, and then of this force transmuted into law.

But here we must answer one or two difficulties. The first is that, as was pointed out in the last chapter, governments are now able to some extent to manufacture public opinion and actually to teach the people what they are to believe and wish. This objection is not very serious, for the game of teaching the public is one at which at least two parties can play. Sooner or later the public will find both sides of every important question put before them. Moreover, if the views taught by the government and its agents are unsound, experience will reveal their weakness, and experience is a teacher more convincing than any amount of newspaper and platform rhetoric. But for a time, instead of public opinion controlling the government, it is quite possible for the government to some extent to control public opinion.

Another objection is more important. Our examples have been taken from the nineteenth century, an age of democracy ; and it is quite natural that under a democratic system government should pay attention to the wishes of the people. But many races in other parts of the world are still living under systems that are far from democratic ; and in our own history the days of aristocracy and absolute monarchy are not very far distant. With such "irresponsible" governments in power is not the picture very different ; is it not possible for the law to have no connexion at all with the wishes of the people ?

Two or three centuries ago, when nearly all the nations of Europe were despotically governed, most political thinkers would have answered this question in the affirmative. In their

view the law was simply the command of a sovereign, and it might be anything which the sovereign chose to make it.

**Law and the Sovereign Power** Some thought of the king and some of Parliament as the sovereign power, but all agreed that the law was a command, depending solely on the will of a man or an assembly. Certain democratic thinkers, however, pointed out quite truly that no king or Parliament could make laws and rule a country in a purely capricious way, for the people are something more than clay in the hands of the potter, and any government which makes itself thoroughly disliked will meet with resistance, and will sooner or later be overthrown. It is much better that rulers should consult the wishes of the people without waiting to be compelled by main force. By such arguments the early democrats showed that government must be based on the consent of the people, that it must, in the long run at least, agree with public opinion; and their arguments were supported by facts, for the English people had just put down their despots and had set up a more popular form of government.

This view was satisfactory up to a certain point, but it gave by no means a complete answer. The political thinkers of the seventeenth century looked upon society very much as we did at the beginning of this chapter; they studied and analysed it as it existed at a particular moment, but they took very little account of history. Strange as it may seem to us, no one at that time had learnt the meaning of human progress; no one was able to see that peoples and governments are constantly changing and undergoing a gradual process of development. We have noticed already the idea of a fixed system of justice which gives to all men their natural rights. The same idea was applied to all human institutions, and it was generally believed that rulers, if only they had enough wisdom, could set up at any time and in any place a perfect system of government. Therefore political thinkers set themselves to discover the ideal government, which should carry out the "laws of nature" in every particular—a quest as hopeless as that of the philosopher's stone. Some, including the leaders of the French Revolution, believed so strongly in the power of law and its effect on human conduct that they

expected men to become practically perfect under an ideal system of government. They thought, that is, that men could be fitted to the law instead of the law being fitted to men. The more advanced democrats held that the law would be perfect if the whole people were to become their own rulers—a "sovereign people." They conceived the idea of a "general will," which must always be right, because it was the will of the whole people, and in the nature of things must seek the good of all. There were many mistakes in this system of thought, but the greatest mistake of all was the principle of "sovereignty," the belief that the law—not only declared but put into force—could be anything which the sovereign wished it to be, so that whatever might be the condition, opinions, and needs of the people, the law could be made perfect if only the right kind of sovereign could be put into power.

The wrongness of this view was first made clear by the study of history. During the seventeenth century natural sciences had made great progress, and a little before the middle of the eighteenth century it occurred to a few thinkers that the methods of natural science might be applied to human affairs. Now it is essential to all science to ascertain the facts carefully before beginning to draw conclusions; and these scholars, anxious to gather as many facts as possible for the study of society, made a wide survey of the history of many different races. The result was that they learnt for the first time the great principle of progress and gradual development in history. They saw that civilization may change in many ways—in respect of language, art, music, religion, social customs, methods of trade, in short, the whole way of making a living and the whole outlook on life—quite apart from the system and work of government. And although a government cannot of its own accord do much to create progress in these different lines, it must adapt itself to such changes of habit and outlook as actually take place among the people. But the outlook of the people is expressed in public opinion; and thus the argument from history leads back to the view that public opinion is the foundation of law. It sets this conclusion, however, in a

new light ; for public opinion appears no longer as something fixed, permanent, and possibly ideal. It is seen now as continually moving and changing, and as carrying law and government forward with its progress.<sup>1</sup>

### REVOLUTIONS

We have traced out roughly the real connexion between government and public opinion : it will help us to a fuller understanding of the question if we notice next what happens when the connexion is not close enough—when a government is out of touch with its people. The seventeenth century writers pointed out that a discontented people, as soon as they were able to do so, would rise up and change the government by means of a revolution. We are now in a position to add something to their statement which will throw more light on the relations between government and people, and further—seeing that the world has recently been so full of revolutions—will have some immediate interest and practical importance.

All the revolutions of which there is any record have been due to one general cause : the government has been seriously out of touch with the people, or with an important section of them. There have been countless differences in detail. The chief troubles may have been political, economic, or religious ; the discontented elements may have been the aristocracy, the middle class, the working class, a combination of classes, the people as a whole, or a group of religious bodies. But whatever the differences, all revolutions have had this common feature, that there has been a want of harmony between the government and a considerable part of the people. A minute's recollection of the recent risings in Russia, Germany, Austria, China, and Portugal, the earlier *Risorgimento* in Italy, the great Revolution in France, and the Civil War in England, will convince us of the truth of this statement.

<sup>1</sup> The two thinkers who did most to develop this line of thought were Vico, in the *Scienza Nuova*, and Montesquieu, in the *Spirit of the Laws*.

Its full importance will appear later. For the present it is enough to notice by way of contrast that small groups of enthusiasts have often tried to uplift and reconstruct their nation by a sudden stroke. But unless they have had behind them a strong body of public opinion they have never been rewarded with more than a trifling measure of success: they have never been able to bring about any great and permanent change in the condition of the people. When the people have no keen sense of grievance, or no hope of immediate improvement, they will not move. The enthusiast must first change public opinion, and then he may have some hope of changing the law.

If we go deeper into the question we shall find that in most cases of successful revolution a government once popular, or at least tolerated, has become extremely unpopular. The Tudors had the nation on their side, the Stuarts had a great part of it against them; Louis XV brought into disrepute a monarchy which had been the greatest and most respected power in Europe; the Emperor William I was the hero of the German people, William II is a fugitive. In many instances the government has deteriorated and become corrupt and inefficient. Failure in warfare has often hastened the crisis, especially by weakening the loyalty of the middle and upper classes. This was one source of trouble in England during the seventeenth century, in France during the eighteenth, and in Germany during the last year of the war. We should expect such governments to fail sooner or later, for they were monarchies and irresponsible. But even the British Parliament, which in 1689 began its career as the sovereign power with such high promise, showed itself more and more clearly to be an aristocracy, a class government, very ill-fitted to serve the interests of the whole people. And further, the modern history of France, the United States, and our own country, shows that democracy itself gives no guarantee against either corruption or inefficiency; but it has this great advantage, that if the people are discontented with their rulers they can elect others without resorting to violence and revolution.

One frequent cause of revolutions, then, has been failure in some direction on the part of government. But quite as often the people themselves have changed, and a crisis may easily be brought about by the government simply standing still while the people go forward. After the Reformation, for instance, most of the governments in Europe were prepared to recognize one form of religion, either Catholic or Protestant, and no other; and they tried to draw or drive the whole of their people into a single church. But the people went their own way. Individuals insisted on thinking for themselves, joining any sect with which they had sympathy, and practising any form of worship that suited them. The result was a terrible series of wars, revolutions, and persecutions. In some cases the governments prevailed for a time, and almost crushed out dissent; but the need for religious freedom was so widespread and so deeply felt, that at length one government after another was forced to admit to all men the right of choosing their own form of worship.

In this case the governments tried to maintain a fixed policy, and the peoples compelled them to change. The same may be said of modern Russia. The Imperial Government kept consistently to its old methods, while a vigorous, well-organized, democratic movement was spreading through the country. Often, however, the degeneration of government and the advance of the people have gone together. In England, while the Parliamentary aristocracy was growing narrower in its policy and more suspicious of the people, there was an increasing demand for a democratic system of government; and the Reform Act of 1832 came only just in time to prevent a civil war between the two parties. In France, before the Revolution, there was a similar conflict of parties of even greater force.

But it would be a mistake to imagine that a mere difference of opinion between government and people is bound to cause a revolution. We have seen that governments are always tempted to resist change, and we have noticed a few instances of successful resistance which has brought enterprise to a standstill. And although governments are

seldom able to stop the current of civilization, they are often strong enough to prevent revolution. In countless cases peoples have long submitted to grievances because they were unable to do anything else but submit. The fact is that several other conditions besides discontent are needed to produce a revolution.

One condition is hope. Peasants and labourers who are kept in a state of poverty and ignorance will not rise against (ii) **Hope of** their taskmasters unless they have been taught **Improve-** the possibility of a happier state, and have been **ment** led to believe that they can reach their goal by means of an insurrection. It is a striking fact that the French peasants who revolted in 1789 were less heavily burdened than peasants in some other parts of Europe who made no attempt to set themselves free; but the French had learnt something of democracy which was unknown to the other peoples. No rising can take place unless a vision and an expectation of some better way of life—or at least of a way of life that is thought to be better—have prepared the minds of the people. In the words of a modern revolutionary leader, "It is hope, not fear, that makes successful revolutions."

Something more, however, is needed than mere hope: there must be some fairly definite object in view, for other- (iii) **Leaders** wise the force of the movement will be scattered **of Thought** in many different directions and will achieve nothing. It is here that leaders of thought find their opportunity of swaying the mind of the public. It has been well said that "the common people know what they don't want, but don't know what they do want"; and many revolutionary movements have failed for this very reason. They were movements away from a known evil, but not towards any clearly conceived good. The people may be anxious to get rid of feudalism, class government, unemployment, or insecurity, but they do not know how to find a remedy. Leaders of thought will teach them an ideal and a method (though by no means necessarily the right method), and in so doing will give cohesion and power to the movement, for all the forces of discontent will now be turned in a single

direction. Such instruction was given to the English peasantry in 1381 by the Lollard preachers; to the middle and upper classes in the seventeenth century by Milton, Harrington, and Locke; to the French before the Revolution by Rousseau and a host of lesser writers; by Lassalle, Marx, and the State Socialists to modern Germany; by Bakunin, Tolstoi, Kropotkin, and other anarchists to modern Russia.

Finally, in addition to men of thought, men of action are needed—able organizers with some gifts of statesmanship and (iv) **Organization**—a great power of controlling their fellows. No revolution can ever succeed without strong leadership and organization. The government which is to be overcome has in its control, at any rate at the outset, the Army and Navy, taxation, law courts, all the machinery for ruling the country, all the prestige that belongs to an old-established power. The leaders of revolution must mould the loose forces of discontent into an organization which can encounter and dislodge this strongly defended opponent.

These are the conditions of revolution from the point of view of the insurgents, and a rising is likely to be successful according to the strength of these different factors. From the point of view of government everything depends, of course, on the firmness with which it resists change, and the strength or weakness of the forces at its command. A weak and obstinate government will not last long in the face of organized opposition.

Peoples who are anxious to change their government may be put into three classes according to their success. Firstly, there are peoples too low and helpless to rise at all. Next there are those who have enough hope and energy to rise, but are beaten down, and have to wait for a more opportune moment. Thirdly, a comparatively small number of well-organized movements succeed, and the peoples are able to make a fresh advance under a new system.

But we may go further and add a fourth class, of those who succeed so well that they are able to gain their ends without **Reform and Revolution**; and such peoples may be accounted the most fortunate and progressive of all. The British nation moved forward in this peaceable way by



means of the great reforming movements of the nineteenth century. This statement, however, must not be left to stand without any proof, for many men hold firmly the belief that revolutions are by far the most rapid method of progress, and they would by no means agree with the view that the happiest nations are those which advance by peaceful reforms. Such men are revolutionaries on principle, and they regard the "reformist" with contempt.

To answer their objection, and to show clearly the benefits of peaceful reforms, we will notice first that revolution very often brings reaction. A government which has been opposing progress is almost certain to offer forcible resistance to a rising ; but unless it is strong enough to crush down the rising altogether, the effect of its resistance will only be to increase the fierceness of the attack, and play into the hands of violent men and extremists. In the early years of the French Revolution there was very little disturbance, but the declaration of war against France by the European monarchies brought first high-minded but unpractical Girondists, then violent Jacobins, to the front, and was the chief cause of the Terror. Even if there is little or no resistance, the general upset and the collapse of the established order of government will sometimes give an opportunity to the most violent popular leaders of which they will take the utmost advantage in their power. That has been the course of events in Russia, and Germany has been seriously threatened with the same disaster. But in a time of violence and terror manufacture and trade will certainly be checked : consequently there will be a dearth of goods, high prices, and possibly famine. These conditions may not disturb the leaders, but to ordinary men the suffering, tumult, and uncertainty are hateful. Most men, as we have seen, demand order and security from their government above all other services. Therefore they will inevitably turn against the authors of the terror ; a counter-revolutionary movement will be organized, and it will receive such wide support that in the end it is bound to prevail. And just as the revolution has gone to too great lengths, so the reaction is likely to proceed too far, and with the restoration of law and order, to revive as well many of the bad features of the old government. Thus a violent revolution

not only causes loss and suffering, but leads to the undoing of much of the good which was promised by the first movement of reform. And further, it leaves a tradition of rancour and enmity which may be the source of endless trouble in the future.

This consideration alone is enough to dispose most people against violence if reform can be brought about by any other means. But there is an even more decisive reason, a reason based on the very nature of revolutions. If we examine the history of the most successful revolutions and ask what has been gained, the answer is always and necessarily of the same kind. An advance has been made which might have been secured, under happier conditions, by an Act of Parliament or a change in a written constitution. Some alteration has taken place in the law and the method of government. But that alteration was only possible because the people were ready for it : the revolution succeeded only because a change was overdue. The rulers had set up a wall of opposition against reform, and the revolution broke down the wall. The law was out of date, it had fallen behind the people's demands, and the revolution brought it up to date at a single stroke.

Some insects grow inside a hard, horny coat until it becomes too tight ; then by a sudden effort they split this coat, throw it off, and secrete another and a looser covering. They grow again inside the new coat until it is uncomfortable, then discard it for a larger, and so proceed with one covering after another until they are fully grown. So it is with a nation that is troubled by revolutions. The government is rigid and refuses to change with the times ; therefore if the people are to develop as they ought the government must be cast off and replaced by something more appropriate. If the new government is rigid too, it will disappear in turn after another revolution. Such a nation would plainly be happier in every way if the law were constantly kept up to date by a steady process of reform. The choice between reform and revolution is not a question of slow or rapid progress, but of a continual and peaceful advance, or an advance by violent jerks.

The essential point to be realized is that a revolution can alter only the law and government, only the organization of society, but cannot change the people themselves. **Change in** Revolutionaries make the fatal mistake of con-  
**Organization** only fusing the people with their organization, and believing that a good system of law will make a good people. Consequently they expect that the whole of society can be jerked forward and made more civilized by a sudden stroke. A truer statement of the case was given in our discussion of justice. We saw there that a law which is far in advance of public opinion cannot be enforced. The law can be made to fit public opinion, but public opinion cannot be made to fit the law. The reason why public opinion is so little amenable to changes in government lies very deep in human nature, and is closely bound up with the law of habit. The fact is that any marked advance in civilization implies changes in standards of conduct, tradition, habits, knowledge, and general outlook which cannot possibly come about by a sudden leap. Lazy men will not be made industrious, selfish men made generous and public-spirited, the ignorant will not receive learning, or the boorish culture, all by a rapid change in organization. Any change which calls for higher qualities than those actually shown by the people will fail.

In the early days of the French Revolution its leaders had high hopes of regenerating their people in body and soul. They marked out the country into new divisions, invented a fresh calendar and fresh weights and measures, established a new religion (which Carlyle well described as the worship of Mumbo Jumbo), and in all their actions showed that they looked for a complete break with the past. Yet at the end of the Revolution French society returned as far as it possibly could to its old habits. The solid gains were peasant proprietorships, representative government, a greater freedom of trade within the country, a better code of laws, and a better system of education. But it is interesting to notice that the way to all these advances was opened at the very outset by peaceful reform, and all the violence and terror counted for nothing, and less than nothing, in the progress of the people.

ward movement of a tropical climate ruined the remarkable Maya civilization in Yucatan.

History is full of examples of the other kind of change—of human enterprise which has altered the whole face of society. No influence in human affairs has been **Effect of Thought and Enterprise.** greater than that of religion, for religion has done more than anything else to decide the standards (1) **Religion** of conduct on which the whole system of law is based. Moreover, some religions—above all Christianity—stimulate men to good works, hold up ideals of conduct far above the current practice, and so encourage activity and change; while others, such as the religions of India and China, tend to make men inactive and to prevent change. The Hindu religion binds down all the people to their own castes, and sets as an example of the ideal life the career of a *yogi*, who does no work, but spends all his time in contemplation. These religions, therefore, help the natural tendency of governments to check new developments, and they are responsible in no small degree for the fact that for so many centuries civilization in India and China has remained almost stationary.

Another great influence on society is that of trade. In the Middle Ages the growth of trade gave rise to a large number of new towns, and from the towns sprang (11) **Trade** nearly all that was progressive in mediæval life—craft guilds and societies of merchants, schools and universities, and all the developments of art, architecture, literature, music, and learning which culminated in the Renaissance. It is not too much to say that the Renaissance was a product of town life. It was among the trading population, too, that democracy first made its appearance in Western Europe. Trade also spread to the country districts and brought with it a freer use of money; and money, paid as rent in place of labour services, did more than anything else to loosen the ties which bound the serf to his overlord. In this way, and in several others, trade was one of the chief forces working against feudalism. It was, therefore, a great support to the kings and princes who were trying to check the power of local nobles and to establish a central system of

law and government for a whole country. This same movement towards national government was helped in another way by the course of trade. Merchants travelling from one end of the country to the other spread news, discussed politics, and naturally came to feel a common interest among the whole of their class. In this way the merchants helped to weld the whole people together and to create a national spirit, without which the new central governments could never have made their way. It has been said that "the town built up the nation"; and the study of mediæval trade shows that there is much truth in the saying.

There was a curious cross-current, however, caused by manufacture. While merchants were anxious to open the channels of trade as widely as possible, manufacturers were, as a rule, anxious to close them, to be protected from outside competition, in order that they might have a monopoly of custom in their own district. Thus there grew up a violent jealousy between the industries of the various towns which led to frequent wars, above all in the Italian cities. But in the long run the towns were subdued and forced to keep the peace by the growth of national governments which were supported, as we have seen, by the trading interests. More recently the same process has been repeated on a national scale. There has been a rivalry of industries, which has been an important cause of nearly all modern wars; but at the same time international trade has been binding the whole world more closely together and encouraging the growth of peaceful relations. And just as national government, supported by trade, overcame the jealousy of the various towns, so without doubt a system of international law will compound the national rivalries, and the *hanses*, or leagues of towns of the Middle Ages, will be succeeded by a commonwealth of nations.

We have spoken of the Renaissance as a product of town life. In another respect it was part of a wide movement in  
(III) **The** the direction of freedom. There was a steady  
**Renaissance** growth of individualism in art, a breaking away from the stiff conventional design of the Middle Ages. Religion became less a matter of forms and more a ques-

tion of personal responsibility.<sup>1</sup> In literature there was a constant experimenting with new forms, which produced in the sixteenth and seventeenth centuries a great outburst of drama and lyric poetry. The free methods of humanism were extended from philosophy to other fields, and gave rise to the modern study of natural science. In trade the period of the Renaissance was an age of adventure, of new enterprise at home, of exploration in the remote parts of Europe, and in still more distant continents and islands to the east and west. All this access of freedom in so many different lines led in the long run to a demand for political freedom, which meant in practice a demand for democracy. But these movements did not spring from government, and democracy was not the gift of rulers. In most cases the leaders of new thought, enterprise, and reform had to force their way against the opposition of governments.

One other example of influences which affect society and government may be chosen from the field of scientific discovery; and it is natural to choose the discovery (iv) **Inven-** tion: The **Steam-** Engine which has had by far the greatest consequences in modern times, the invention of the steam-engine. Every one knows that the last century has been "the age of steam," that the use of steam-power has affected the whole course of history. It was first used for pumping, with the result that coal mines were worked much more efficiently than before, and the cheapness and abundance of coal meant cheapness and abundance of iron. There was an immediate demand for the new supplies of iron, for the purpose of making machines; for steam was next applied to machinery in general, and gradually in one trade after another handwork gave way to machine production, and the small workshop to the factory. Such factories as existed before were mostly built in hill-country for the sake of water power. But now that steam was available everywhere there

<sup>1</sup> As was shown in the Lollard and Hussite movements, the mysticism of St. Thomas à Kempis and the *Theologia Germanica*, the Florentine revival under Savonarola, and the wonderful and widespread revival of humanism, which led up to the Reformation and the Counter-Reformation.

was a great advantage in making goods near the markets where they were to be sold. Therefore manufactures began to cluster round marketing centres. Industrial towns grew up, ugly, unhealthy, and almost without government, as we have noticed in previous chapters; and in them there congregated a huge mass of working-class population. The problems of life in towns and factories and of the relations between the workers and their employers are some of the chief, and most difficult, questions of the present day, and they are largely the result of steam-power applied to production.

But the steam-engine had other effects no less momentous. Its use for locomotion by land and sea enabled both men and goods to travel much faster and more cheaply than before. News and ideas spread more freely; men from different parts of the country were brought more closely into contact. The effect was similar to that of trade in the later Middle Ages, only far more intense. In some countries, such as Germany and the United States, in which communication had been difficult and trade had had comparatively little chance of showing its uniting force, the introduction of railways about the middle of the nineteenth century had a great share in binding the people together and creating a national feeling. Just at the same time factory production and various other features of the industrial revolution were appearing among the Germans, with the result that a transformation took place in Germany almost as sudden as that which brought Japan into line with the Western nations. A country only half-emerged from feudalism, divided naturally by many barriers of mountain and forest, and divided politically among scores of independent and despotic governments, its industries still domestic and its resources little developed, became within a generation or two centrally and efficiently governed, highly industrialized, and fully equipped with railways and shipping. The change was quite as much in ideas as in outward circumstances, but the whole movement was made possible by the use of steam for manufacture and transport.

Steam-power was one of the chief causes of the wonderful growth of international trade which was mentioned earlier in this chapter. Unfortunately, the various nations, each of

them closely welded together by steam communications and anxious for the advance of its own trade, have hitherto only been made more jealous by the more frequent contact with other nations. But sooner or later the progress of transport, which has already been a bond for single nations, will link up the whole of mankind in friendly intercourse.

In our own country, and in several others, steam has had a great influence on domestic politics. Workers crowded together in great industrial towns became more conscious of their needs as a class, and also of the force of their numbers, than they had been when they were scattered in small towns and villages; and by means of cheap travel and cheap postage they were able to organize themselves, not only in separate towns, but also in great associations embracing the whole country. In this way they acquired better conditions of life and a new standing in society. By other organizations, made possible by steam locomotion, the great political reforms of the nineteenth century were brought about. It is no exaggeration to say that steam-power has been one of the chief causes of the recent growth of democracy.

Perhaps the best of all uses to which steam has been put is its application to printing. The practice of steam-printing began rather more than a century ago,<sup>1</sup> and when it had become firmly established, knowledge of every kind was brought within the reach of the whole people. Unfortunately, along with the good material, a great deal of rubbish and some poison is offered to us by the printing press. But on the whole the effect of steam-printing has been good and very valuable, for cheap literature has not only helped in the organization of democracy, it has further enabled the people who are to govern themselves to gain some education, and so to be better fitted for their important task. These are only a few of the results of the industrial use of steam, but they are enough to show that steam has proved itself to be as great a force in the social and political world as it is in the physical.

The place of the steam-engine in history has been well described by M. Bergson, and our account may suitably end with his words :

<sup>1</sup> *The Times* was first printed by steam-power in 1814.



" In thousands of years, when, seen from the distance, only broad lines of the present age will still be visible, our wars and our revolutions will count for little, but the steam-engine, and the procession of inventions that accompanied it, will perhaps be spoken of as we speak of the bronze or chipped stone of prehistoric times : it will serve to define an age."

Now all the changes mentioned here, and countless others, have been thrust upon the government, not invented, and **Resistance** as a rule not desired, by it. What, then, ought **to Change** to be the attitude of a government which is brought face to face with change ? We know already what rulers in the past have commonly done in such circumstances ; if the new development threatened to cause any upset in the existing order of society they tried to prevent it, and in some cases, though in comparatively few, they succeeded. Sometimes, indeed, a new development found favour with the sovereign. For example, the opening of trade with America delighted the Spanish kings, who saw in it immense possibilities of wealth for their own treasury. But what was their method of dealing with the new enterprise ? They first tried to monopolize it for themselves, and when they found that a system of monopoly could not be worked, they so overlaid the American trade with taxation and regulations that their policy went far to ruin the prosperity of the country. Or again, we may remember what was done by Elizabeth's government when it set to work with much goodwill to remedy the social evils of the time. The essence of Elizabeth's social policy was to prevent change and to keep the whole community duly docketed and pigeon-holed in an orderly framework.

A hundred years ago a very different view was fashionable. It was held then by those who controlled the policy of Parliament that a government would best serve the **Laissez-faire** people by effacing itself as far as possible. It should interfere only so far as was necessary to maintain justice and prevent injury, but otherwise it should leave all men free to go their own way and make whatever changes and experiments they might desire. That, as we know, was the Individualist, or *laissez-faire*, policy. In many ways its results were good, for at least it did not stand in the way of

progress. But, on the other hand, it neither maintained real justice nor prevented injury ; for it allowed employers to browbeat and sweat their workers, it allowed towns to grow up without regulation, and democracy to advance without education ; and after the Napoleonic War it helped to preclude any attempt at reconstruction.

If the earlier governments interfered too much and nineteenth century governments too little, the right policy clearly **A Middle** lies between the two extremes, in a moderate and **Policy** judicious regulation of change. In discussing the liberty of individuals we decided that government should try to make it easy for them to do good and difficult to do harm. The same principle applies to broad movements in society. Changes that are clearly harmful should be prevented as far as possible. If dangerous drugs are put on the market, their sale must be carefully regulated. If wages in a certain trade prove to be very low, the government must take steps to raise them, probably by means of a wages board. When some line of trade, manufacture, or public supply becomes a monopoly, the government may intervene to control prices, or may even take possession of the whole concern. When, as often happens, a new invention has thrown workers out of employment, the government should come to their help, and, if necessary, should enable them to train for some other occupation.

All these are examples of the prevention of injury. But the task does not stop there ; for a government can often do something positive, to help forward civilization or prosperity. By collecting and publishing information about markets in foreign countries it can help to increase overseas trade. German governments have been particularly active in this direction. We know, too, how much has recently been done by public bodies to improve the health of the people, and what active measures are now being taken to improve their houses. But the greatest and most direct means by which any government can raise the condition of the people is education. We may add some other undertakings, such as the encouraging of scientific research ; and we may notice that to prevent evil is often equivalent to doing good. For instance, when the

law prohibits low wages and bad conditions of work it is at the same time raising the workers' standard of life. Yet when everything possible has been added to the list, we must recognize this fact, that only a small part of all the change and progress which take place in society is directly due to government.

A minute's thought will convince us that it must be so. Nearly all changes are due to new ideas, whether in art, religion, philosophy, science, poetry, politics, trade, agriculture, or any other line of activity. Now it sometimes happens that a leading statesman is distinguished in some other line than statesmanship. He may be a great churchman, like St. Bernard, Louis IX, Luther, Calvin, and Knox; a poet, like Dante; a scientist, like Bacon; a scholar, like President Wilson, Mr. Fisher, Lord Morley, and Lord Bryce; a philosopher, like Mr. Balfour; an agriculturist, like Lord Townsend and George III; a musician, like M. Paderewski. He may be eminent enough in his own sphere of work, as Bacon was for example, to contribute ideas of profound importance for the future of mankind. Such cases, however, are rare exceptions. Most rulers are specialists in politics, and they have little time or energy to devote to other callings. Therefore almost all new ideas come from men who are not busily engaged in the work of government. The proper concern of government is not so much to create progress as to provide those conditions of peace, security, and freedom in which progress can best take place. Even in the matter of education the chief work of public officials is to supply funds and make regulations. Most of the pioneering and experimenting is done in unofficial circles, and the actual process of education is carried out by the teachers.

We may sum up our argument by likening rulers and people to a shepherd and his flock. To the mind of Tudor and **Shepherd** Stuart statesmen the shepherd was the king and **and Sheep** his dog was the executive part of the government. The shepherd went in Eastern fashion in front of the sheep: he was the discoverer of new ways, the leader in all journeys, and at the same time with the help of his dog he kept a close control over the flock. A hundred years ago Parliament had

become the shepherd and the executive was still the dog. But in the opinion of Individualists the sheep were so intelligent that each member of the flock could safely be left to find its own way, and the shepherd had only to give protection and prevent disputes. Present-day opinion regards sheep, shepherd, and dog as having very nearly the same level of intelligence, and as engaging in an agreeable co-operation in the search for new pastures. But it is the sheep themselves who do most of the discovery, while the special task of the shepherd and his dog is to keep order, to take care of the lambs, and to help the sheep that have grown old or infirm. Moreover, the flock does not exist in order to make a living for the shepherd, but he is chosen by the sheep to serve them.<sup>1</sup>

<sup>1</sup> A cynic would perhaps be inclined to add that at the present time the shepherd is actively engaged in fleecing the flock.

## CHAPTER XIX

### GOVERNMENT AND SOCIETY (*continued*)

#### THE STATE AND OTHER ASSOCIATIONS

WE may now pass to the last stage in our discussion. We have said that individual liberty is important not so much for the mass of mankind as for the few who are really original thinkers and men of exceptional enterprise; and it must be recognized that the first impulse towards all great changes is given by a few minds. The religious leaders, political thinkers, ocean explorers, scientific discoverers, social innovators, whose work has plainly influenced the course of history, were few in number. Papin, Savary, Newcomen, Watt, Murdock, Stephenson, were the inventors of steam-power; Tull, Townsend, Coke, Bakewell, Marshall, and Young the pioneers of modern farming. Bills of exchange, which have had great historical importance because they made international trade possible on a large scale, had their origin among a few trading houses in Venice. So we could continue indefinitely in one field of enterprise after another. Nevertheless it is equally important to grasp the fact that new ideas could never become important unless they were adopted and put into practice by large numbers of men; and further, that in most cases they cannot be put into practice without the help of organization. We know that all successful reforms and revolutions have been brought about by means of careful organization, and the same is true of many other changes in society. Moreover, although the special work of government does not play a great part in the lives of most men, every one is constantly brought into contact with other organizations of various kinds.

Let us take the case of a typical citizen and notice some of the associations to which he belongs. In the first place, he **Types of** is now the father of a family, and the family is the **Association** most important kind of association in the world. It was in the family circle that our citizen as a boy first learnt the meaning of life in a community. The rule of his parents was his earliest lesson in obedience to law. In the common pursuits and pleasures of the family he experienced the benefit of living and co-operating with others. His fondness for his relatives and his pride in the family traditions first aroused in him the sense of loyalty. The second association of which he became a member was the school. Here he found himself in a wider community and met with new kinds of law. Most of them—such as rules made by the head master and the rules of grammar—he frequently broke; but one code of laws, the school etiquette gradually built up by the boys themselves, he observed fondly and faithfully, thus showing quite unconsciously the value of democracy. Now he is, let us say, the owner of a drapery store, and in the course of his daily business he is constantly in touch with wholesale markets, each of them a great organization for distributing goods to the places where they are needed. His receipts are regularly paid into a bank, a branch of another great association; and his savings are invested through the Stock Exchange, which is a marvel of elaborate and delicate organization. The drapers in his town have a society of their own, of which he is a prominent member. And apart from his business he is interested in several societies, the work of which occupies a large part of his spare time. He belongs, for instance, to a church and a church institute, a friendly society, a bowling club, a political party. Various of his fellow-townsmen are connected with other organizations. They may be directors of joint-stock companies, dealers on the money market, members of a chamber of commerce, of employers' federations or trade unions, of one of the Inns of Court or the Incorporated Law Society, of doctors' or nurses' associations. Some may be doing social work in guilds of help, schools for mothers, boys' and girls' clubs, or children's care committees; some doing educational work in Sunday schools, adult schools, or the

Workers' Educational Association. Many will be members of the Y.M.C.A. A very large number—perhaps a third of the whole adult population—will belong to the local co-operative society. A smaller proportion are members of musical, dramatic, literary, artistic, or philosophical associations. Most of the children belong to various societies connected with their schools or churches—cricket and football clubs, debating societies, troops of scouts, and lads' brigades.

Unless a man deliberately makes himself a hermit a great part of his activity in business, religion, recreation, study, or **Value of Association** public service will bring him into touch with one and another of these organizations. The truth is that such organizations are the chief means by which society is held together. One reason for their prevalence in every land and in all ages is the gregarious instinct—the desire to be with others of our kind and the dislike of being left entirely alone—which we have in common with many animals. Another reason we have seen already: that organization is useful and often quite necessary as a means of getting things done. It implies that a number of people are working together in a systematic way, with a common purpose, and experience has constantly shown that by joining their efforts they can achieve far more than they could working independently of each other.

To take a simple illustration: If every man had to find means on his own account of sending messages to his friends or his customers, communication would be very slow, irregular, and uncertain. But through an organized postal system we are able to send messages cheaply, quickly, with great certainty, and with very little trouble. Countless other illustrations might be given. Every market, railway, library, golf club, musical society, insurance company, or co-operative store is an example of the fact that by joining our forces, by organization, we are able to do with ease things which would be impossible to any of us working alone. In the words of Spinoza, the seventeenth century philosopher: "If two men come together and unite their powers they can do more in unison than they can working each for himself, and consequently they have more power

over Nature ; and when several so join their forces they have so much the greater power again." <sup>1</sup>

Not only has organization led to increased control over Nature, but growing power over Nature has meant more production, more specialization of trades, more travel, fuller and more frequent intercourse among men, more education, a more elaborate life in every respect, and, therefore, greater scope and need for organization : so that now the whole civilized world is covered with a network of associations, and every man is bound to his fellow-men by their common membership of societies, some temporary and informal, others lasting and carefully designed, some local, others national or international in scope.

It is very instructive to see this process of organizing and association-making at work in history. We may take **Association** the history of trade as an example. Many **in Trade** towns which grew up in the Middle Ages were **and Industry** at first nothing more than large villages, and the townsmen were, like villagers, subject to the lord of the manor. But it was impossible for traders to live under feudal laws ; therefore they joined together, made laws for themselves, and bought from their overlord the privileges of freedom and the right to hold their own courts. Their union at first was very informal, but the common desire for privileges gave them a definite object to work for, and led to a rapid organization of *communes*, or town societies, equipped with council, officials, courts, by-laws, and usually a town hall. In many cases the organization went further, for the townsmen had many common interests. They attended the same parish church,<sup>2</sup> they wanted insurance for the benefit of their families, they enjoyed feasting together and marching together in processions, they wanted regulations for their trade and markets, and, in particular, they were anxious to obtain a monopoly of retail trade in the

<sup>1</sup> Other illustrations of this same principle are given above, Chapter III, p. 25.

<sup>2</sup> The religious bond was often one of the chief factors in the making of a town society, but we cannot deal with this aspect of the communes here, as we are considering only associations for trade.



district which was served by their town. All these objects were secured by a single society known as the *merchant gild*. As a rule the gild, like the commune, was originally an informal body, but in order to safeguard their position, the members sooner or later bought a charter from some great authority—count, duke, bishop, or king—giving them a definite legal standing, and supporting their privileges with the power of government.

Later, as trade increased and the number of workers in particular trades and industries grew, these workers formed their own little societies to secure the privileges of their own particular trades. They did so the more readily because the members of each craft generally lived in the same part of the town and attended the same parish church. The separate trade societies were known as *craft gilds*. In some towns they remained as small and not very influential bodies. But in the more important centres, where the crafts were larger, more highly organized, and more wealthy, the gilds were able to gain power until they became the ruling bodies, for the town councils were composed entirely of representatives of the gilds. And seeing that in several countries the towns were practically independent, and owned, moreover, large tracts of the surrounding country, the gilds became quite an appreciable force in the government of Europe.

In some places gilds continued down to modern times,<sup>1</sup> but in certain countries, notably England, a new kind of society grew out of them, just as *they* had grown out of the older merchant gilds. Ordinary towns in the Middle Ages had very little trade outside their own neighbourhood, and their crafts were essentially local bodies. But in the larger towns great industries and distant trade gave an opportunity for making fortunes, and many of their leading craftsmen, such as drapers, cloth finishers, grocers, goldsmiths, and fishmongers, became wealthy merchants. These well-to-do men felt themselves to be a class apart from the rank and file of their crafts, who were handworkers, hawkers, or small shopkeepers; and they arranged select gatherings among

<sup>1</sup> Gilds in France existed down to the Revolution; in Ireland they were only abolished in 1841.

themselves which became regular "fraternities." In course of time these fraternities were found useful for promoting the interests of the merchants, and at length the members did exactly as their humbler ancestors had done—they bought charters granting the recognition and support of government to their societies. The new bodies were called *livery companies*, on account of the expensive uniforms or liveries worn by the members.<sup>1</sup> The small men were now left in the cold, and it seemed likely that they would form bodies of their own similar to the modern trade unions. But, instead, the livery company drew the lesser craftsmen into a junior branch called the "yeomanry" of the company. Thus the old guilds were swallowed up in the new companies. The great difference between the two organizations was that the companies were given a partial monopoly of trade not in a small district, but over the whole country. The guild was an organization for local trade, the livery company for national trade.

During the sixteenth and seventeenth centuries there came another change. Some of the small master craftsmen themselves began to flourish and to employ large numbers of apprentices and journeymen, and in the most important industries they set up societies, several of which received charters from the King or Parliament. Now it was the journeymen who were left without any protecting society; but towards the end of the seventeenth century they followed the example of their masters and set up organizations of their own—at first temporary alliances for the purpose of a strike, but later permanent bodies—the earliest *trade unions*. The old class of craftsmen was becoming divided into a managing and capital-owning class of employers, and a class of permanent employees, who owned no capital, and had little chance of setting up in trade on their own account. The trade union was their means of defence, the means of securing reasonable wages and conditions of labour. For a long time the unions were opposed by government, but at length, in 1824, Parliament recognized the right of workers

<sup>1</sup> We refer here only to the great national companies formed in London. Merchant societies elsewhere often kept the title of guild.

to combine ; and in late years trade unions have been used, as all the earlier trade organizations were, as agencies of government—in this instance for carrying out the Insurance Act, forming industrial councils, and for other purposes. Very recently a new organization, known as the *shop steward* movement, has appeared among the members of trade unions. The shop stewards claim to represent more truly than trade union officials the real wishes of the workers, since the officials are hampered by government regulations. They also aim at a wider programme of industrial change than that of the older trade unionism (notably in regard to control, not only of conditions of labour, but of business policy). In this way they resemble closely the fraternities which developed inside the guilds and companies. It seems likely, however, that they will not abolish and supplant the trade unions, but will be merged with them, at the same time changing to some extent their character and purpose.

In this survey we have seen how in the course of many centuries changes in trade, bringing new conditions and **Voluntary** creating new classes, have led to the formation **Bodies and** of one kind of organization after another—**Government** merchant gild, craft gild, livery and yeomanry companies, corporations of small masters, trade unions, shop stewards ; and how these societies have been used to guard and promote the interests of their members, in particular to gain a monopoly of a whole trade and so control its working. We have noticed, too, how the successive organizations, beginning as informal gatherings, have at length become strong enough to win recognition and support from the government, and finally have become so far a part of the established order of the country that they have actually been made agencies for doing the work of government.

These societies, in fact, were so strong that the government could not ignore them. It could not make laws to regulate trade without taking account of these great organizations, and eventually it was found most convenient to make the law work through them. Nevertheless in their early days they all had to struggle for recognition, and some of them were strongly opposed by the ruling powers. They

were the fruits of change, the means of securing changes and producing others, and for that reason the rulers treated them with suspicion.

The same difficulty has appeared in much greater strength in the case of religious bodies. Nearly all the churches which grew up after the Reformation had to work against fierce opposition before they could secure the mere right to exist. As they were rivals of the established form of religion, they seemed to statesmen in the sixteenth and seventeenth centuries to be threatening the very foundations of orderly society and government.

Rulers in the past have always been nervous in the face of change, but, above all, in the face of organized change; and with good reason, because any movement becomes far stronger and more formidable when it is organized. During the great wars of religion, while Anabaptists, Calvinists, and many other sects were suffering fierce persecutions, the quiet little body of Socinians, in spite of their unorthodoxy, were let alone because they did not in any way challenge the existing order of society. Although for more than a century before 1832 voices here and there had been crying for Parliamentary reform, it was not until "Political Associations" were organized all over the country, and seriously threatened a revolution, that the government paid any heed to the reforming movement. Tolstoi was as much of a revolutionary as Lenin and Trotsky, but the Russian Government left him in peace because he lived and wrote as a single individual, not as the leader of a dangerous movement. Any government can easily deal with an individual trader who is charging exorbitant prices, but to suppress a great trust is a much more difficult matter.<sup>1</sup>

The effect on government of changes in society is much the most important and critical when the changes are backed by an efficient organization; and conversely, the organizations of which government must take the most careful account are those which are trying to produce far-reaching changes. Many associations, such as golf clubs and debating societies,

<sup>1</sup> Trusts and combines are further examples of voluntary trading associations of which a government is compelled to take account.

have hardly any connexion with governing bodies, either local or central. Those which do attract attention are the active propagandist societies which are trying to change the system of government or the manner of life of the people. It is by no means easy to pursue the right policy towards such organizations. If suppression or restriction is called for there is first of all the question how to interfere with success. Moreover, few statesmen can judge with any certainty what movements are bad enough to deserve suppression. The event has proved time after time that a statesman who sought to suppress a new movement was doing far more harm than the movement which he attempted to put down. Philip II thought himself justified in trying to exterminate Protestant sects. To Marcus Aurelius it seemed a righteous policy to persecute the Christian Church. A Conservative Prime Minister may think the National Liberal Club a bad institution, yet no one doubts that if he dissolved the Club his tyranny would be a greater evil than any mischief which was likely to be done by the Liberal Party.

Nevertheless there are times when suppression is called for, especially when extremists are trying to produce changes which are impossible, so that men of sound judgment can see no outcome to the movement but violence, disaster, and reaction. But it is one of the most difficult of all tasks of statesmanship to gauge rightly the need for opposing a new movement and the time and manner of intervening.

We have tried in this chapter to give the impression that every people which has not settled down to a perfectly fixed way of life is constantly throwing out new organizations as conditions change and fresh needs arise. To gain the impression fully we should need far more illustrations than have been given here. We have not seen by any means all the forms of association which resulted even from the growth of trade; and we must remember that there has been a similar unfolding of one organization after another in many other departments of life besides the economic. Mediæval towns, for instance, produced not only trading guilds, but also schools, universities, monasteries, inns of court, and hospitals; and in modern times the variety of associations

springing from town life is far greater. By no means all the new developments are good, but many of them are most valuable instruments of progress.

One important conclusion which results from this survey, is that no people whose way of life is changing can be bound down to any fixed organization. Just as political thinkers in earlier times believed that there was one perfect system of government, the adoption of which would cure most of the ills of society, so many people to-day look to some one economic system as ideal, and expect similar benefits from its establishment. Some of them hope to see a scheme of small proprietorships applied both to farming and to town industries ; some, the State Socialists, think that all industries should be owned and managed by central and local governments ; others, the Guild Socialists, that government should own the capital, or at least regulate the sale of goods, while the workers control the trade ; and others again, the Syndicalists, believe that the workers in each trade should be both owners and managers. Now the whole of our study tends to show that a progressive people cannot be forced into one mould or fitted into any neat and well-rounded design. Progress is very often irregular and unexpected ; and a ruler who aims at the highest welfare of his people must be ready to recognize and encourage new ideas and enterprises, even if they cause him to modify his own favourite schemes of government.

Another interesting thought arises from our study of the various kinds of association which bind mankind together. Among them there is one which has many resemblances to the rest ; it changes continually ; it depends for its very existence on the consent and agreement of its members ; it sends off branch associations ; it has rules and penalties ; its object is to preserve the interests and general welfare of its members. Yet it has a peculiar importance and certain special features of its own. We refer, of course, to the organization of government.

It will be well for us at this stage to use, instead of "Government," another expression, "*the State*." We have avoided this word in the earlier chapters because it is used by various

writers in different senses, and its true meaning can only be seen when we have before us a picture of all the other associations which have sprung up independently of government. The State and the Government are not quite the same thing. By government we mean the law-making bodies, such as Parliament and the local councils ; the officials, civil servants, judges, policemen, and the rest ; and the organization by means of which they do their work. The State includes not only government, but all the citizens, all who as electors or jurors, or in any other way, have a share in the public affairs of the country. But when we speak of them as members of a State, we think of them not simply as the inhabitants of a certain country, but as the inhabitants concerned in one particular kind of work, the work of government, or at least as subjects of the government. If we want a word which will suggest to us the wider ideas of all the people engaged in their infinitely varied occupations, and bound together by countless ties of kinship, friendship, business relations, common interests, and membership of the same associations, we may speak of the people as forming a *Society*. In this sense Society includes far more than the State : it includes a vast number of organizations of which the State is only one.

This thought of the State as one organization among many in Society will help us to gain a right idea of the relations between government and people. It may not seem at a first glance to have much importance. We may find it interesting to think of the great business of government as only a special occupation, like shoemaking, dentistry, or stockbroking. But has the idea any practical value ?

Perhaps the best answer is that the recent war was largely due to a wrong impression on this very point. German thinkers for centuries regarded the State as including all the interests and activities of the people, so that government in their view was the great means by which the good of the people could be attained, and all other organizations were quite subsidiary to government. In recent times many have held that the only true freedom lies in complete subjection to the law of the State, and that the State is the real being, the real unity, of which the individual man is only an insignificant

part. From these views there followed in practice that desire for a strong, wealthy, and well-ordered State (which implied a strong and ubiquitous government), that sense that the greatness of Germany was the most important thing in the world, and that regimentation of the people as mere servants of the State, which made the German people a danger to the world's peace, and finally brought about the great catastrophe of world war. The root of the evil lay in imagining that the people should serve their government instead of government serving the people, or, in other words, in setting the interests of the State above those of Society.

In Russia exactly the opposite mistake was made. There the old Imperial Government was so bad that great numbers of liberal-minded persons were prejudiced against government in general, regarded it as the source of all evil, and believed that if it were abolished altogether the condition of the people would be much happier. Hence there arose the anarchist movement, which led the nation into revolution, and the succeeding period of lawlessness, disorganization, and famine.

If, then, the State is an association with a special field of work, what are its purposes and its distinguishing features? We have suggested that many other organizations work in a very similar way. For example, one of the chief duties of the State (or of the government, which is its agent) is to make laws. But other bodies, such as golf clubs, debating societies, schools, and trade unions have laws. The government maintains courts to enforce its laws: the other bodies enforce their rules too, perhaps by fines, perhaps by expulsion from membership. In the Middle Ages very many associations—gilds and livery companies, for instance—had fully organized courts, and the Church had courts which were at least as important as those of the State. Down to the present day the Church uses courts of its own for certain purposes. The State uses physical force against foreign adversaries, and to suppress riots or make arrests among its members. But others than State officials use physical force—as in ejecting interrupters from a meeting—and corporal punishment is still used in many schools.



The fact is that the State does not differ in its essential nature or its methods from other organizations. The real differences are in degree.

First of all the State includes all who live in a country, except perhaps a few foreign visitors, and it makes laws  
(i) **Universality** which apply to the whole people; whereas every other organization belongs only to a section of the people.<sup>1</sup> Next, the government which represents the State has an enormous influence and prestige.

(ii) **Authority** We all grow up imbued with the tradition that the law is to be obeyed, and that those who make and administer the law are the highest authorities in the land. For this reason other bodies, such as joint-stock companies, universities, and trade unions, often secure the approval of Parliament or the Privy Council in order to give a stronger sanction to their own rules. In most cases these bodies would find their very existence difficult unless they gained the support of government.

Above all, membership of most other organizations is voluntary, but we cannot help being members of the State.

(iii) **Compulsion** Even if we leave our own country we find ourselves in our new home subject to another government and another system of law. The contrast in this respect is well shown in the matter of finance. Most associations that are not self-supporting pay their way by subscriptions, and if anyone objects to paying a subscription he can resign his membership. But we must all pay taxes; we cannot resign our position as citizens; and if we do not choose to pay, the taxes will be taken from us by force. Thus compulsion is an important feature of the State. It is so partly because government makes laws for the whole people, laws from which no one can escape; but partly also on account of the special work which government has to do. Although no government has ever tried to explain exactly

<sup>1</sup> This is true to-day, but it would not have been so in the Middle Ages, for the Church then included all Western Europe, and was a much greater institution than any State. In the words of the late Dr. Figgis, ecclesiastics in the Middle Ages looked upon the State merely as "the police branch of the Church."

why it exists or what is the exact scope of its duty, we know in general what that duty is. Government exists chiefly in order to maintain minimum standards of conduct and minimum standards of life. Now we can see at a glance that such work implies compulsion—a constant effort by means of law and law courts to ensure that these standards are kept. For this reason the methods of government must necessarily be strict, legal, and formal. Although the State exists, or ought to exist, for the benefit of all its members, its first and greatest service to them is done through the law. Even when it serves them in a more direct and kindly way by providing them with water, roads, or education, it levies a compulsory rate for these purposes.

Most other organizations have much less need of compulsion. They are freer and less rigid in their methods: they come and go and transform themselves readily with changing circumstances. Moreover, if compulsion is slight in their case the direct service of their members is much more conspicuous. It has been well said by a great German writer that the leading characteristic of the State is *Lordship*, while that of other and freer associations is *Fellowship*.<sup>1</sup>

It is precisely because of these rigid methods and this stress on law and order that a government is always apt to resent rapid changes, and to check those organizations which try to bring changes about. But freedom of experiment and freedom of organization are the very life-energy and life-blood of a healthy society. Therefore it is most important that no government should be given too much power of interference, and that we should not entrust our welfare too largely to the State. For although it can, and does, provide security and minimum standards of life and conduct, the great work of the State is not to make for us a full and ideal life or to compel and create progress, but rather to afford, as well as it can, an opportunity for the people to work out their own course of progress; to fashion their own paths towards an earthly paradise.

We may gain the best and clearest idea of the duties of government if we think of the State as supplementing the

<sup>1</sup> By Professor Gierke, in his *Genossenschaftsrecht*.

work of other bodies and of individuals—above all, by keeping order, but also by intervening to provide for public welfare wherever the enterprise of private persons or other organizations has failed to meet the need, wherever the minimum standards of life required by the State are not otherwise maintained. Indeed, in some important matters, such as public aid and education (and perhaps, in the future, medical service), we may think of the State as doing the main work, and of private efforts as supplementary. And we may notice, finally, that as standards of conduct improve and men learn to behave well of their own accord, there will be less need of compulsion, and the State will become more and more a free association for mutual service.

## BOOKS

Professor M'IVER's *Community* is the most important recent work dealing with the subject-matter of this chapter and the last. GIERKE's view may be gathered from his *Political Theories of the Middle Ages*, with Professor MAITLAND's Introduction. The development of trading and industrial associations is fully described in Professor G. UNWIN's *Industrial Organization and Gilds and Companies of London*. The first chapter of the latter work contains an admirable discussion of the relations between the State and other associations. Professor GRAHAM WALLACE's *Human Nature in Politics and The Great Society* deal very suggestively with political and social organization from the psychological point of view. *Common Sense in Law*, by Sir P. VINOGRADOFF, contains an interesting and valuable discussion of the problem of the State and Society: so, too, do Mr. H. LASKI's recent works, *The Problem of Sovereignty* and *Authority in the Modern State*.

## CHAPTER XX

### CONCLUSION

**T**HE work of government at the present day is exceedingly difficult and anxious for rulers and people alike. Changes occur with remarkable speed, and we are constantly faced with problems for the solution of which history and experience give us very little guidance. Vitally important factors, such as the course of trade or of public opinion, are exceptionally hard to forecast. In human history we are passing through a period of upheaval similar to the great epochs of earth movement in geological history. At such a time, when reliance on tradition and rule of thumb is vain, and a policy of mere expediency is disastrous, we need, above all, guiding principles if we are to win through to a freer and happier state of society. We have tried in this volume to show what some of these principles are. The most important is that government exists in order to provide for every one in the country the opportunity of a full life.

That is an object, however, which no government has yet realized in more than a very small degree, and although there has been a gradual movement towards this ideal, whole peoples have often slipped back in the opposite direction, and particular groups and classes have constantly done so. Progress in history has been uneven and chequered. But if we know what have been the chief causes of failure in the past, we shall be able to judge better how to advance towards our ideal in the future. The study of history shows that, apart from natural calamities, such as earthquakes, plagues, and famines, the two most widespread causes of evil have been bad statesmanship, and individual or group selfishness, which appears as a spirit of monopoly and jealousy, a clinging

to vested interests, a desire for gain, whether of material wealth or of power over other men. The future rate of progress will depend on the extent to which we succeed in replacing these faults by the opposite virtues—sound judgment in policy, and a spirit of service instead of a spirit of monopoly.

There is certainly no simple way of effecting these cures. Good statesmanship can only be secured by having the right men in office ; but there can never be an absolute guarantee that the right men will be forthcoming. A set of Ministers, for example, who have done good work in ordinary times may fail in a time of crisis, and those who have come to the front in a crisis may prove too hustling and domineering to serve the people well under more settled conditions. The nearest approach to a guarantee lies in general education, and particularly education in citizenship. For in the first place, a well-informed people will be the most likely to choose good rulers ; and secondly, they will have the best chance of forming a sound public opinion—which either directly or indirectly controls the policy of statesmen.

The spirit of service is something of even slower and more difficult growth than wise policy, although the highest statesmanship must always be informed by such a spirit. Happily in modern times there have been many signs of its growth. In the Middle Ages society was bound together by compulsory service. Every man living under the feudal system, from the peasant to the baron, was subject to some overlord, and was obliged to yield him certain services. With the decline of feudalism there was a general loosening of these bonds, and there followed an age of individualism, when men were left comparatively free to follow their own interests. They did so to too great an extent, and there was some justification in Hegel's time for his belief that government alone prevented society from dissolving into a chaos of self-seeking. But during the last century society has become more closely welded together with another bond—the bond of free personal service. One of the most striking facts of nineteenth century history has been the growth of a social consciousness, of an interest on the part of individuals in the welfare of the whole people, even

of the whole world, and a desire to be of service to others. Nearly all the chief movements of the present day are in the direction of co-operation, and co-operation means fellowship and mutual service.

This is undoubtedly the right bond of society. It is recognized as such both by religion and by science. For one of the first principles of social science is that an individual can only develop and express his highest powers by associating with and serving his fellow-men; so that the growth of a co-operative spirit tends directly towards the ideal of government—the full and free growth of personality. We conclude, then, that education and co-operation in the widest sense are the surest foundation of good government.

In this volume we have studied the present organization of democracy in our own country. Modern democracy virtually began with the local government of towns in the Middle Ages. Then it spread gradually and with difficulty over whole countries. In recent times the British Empire has shown the first example in history of a great commonwealth of democratic nations; and now we are witnessing the growth of a world-wide federation—a system of international government based on democracy. If we wish to understand and take our share in the great movements of the present day, we must gain some knowledge of imperial and international politics, and some acquaintance with the methods and problems of government in foreign countries. We cannot deal with these questions here: they form the substance of a separate course of study. But much of the information which we have gathered will be useful in this wider investigation: for the general principles and ideals of government are not the preserve of our own people. We have seen them in operation in parish, city, county, and nation: they can be applied equally to the whole world.

## BOOKS ON THE BRITISH SYSTEM OF GOVERNMENT

ANSON.—*Law and Custom of the Constitution.* 3 vols.

DICEY.—*Law of the Constitution.*

LOWELL.—*Government in England.* 2 vols.

The above are standard works of considerable length.

The following are shorter studies :—

BAGEHOT.—*The English Constitution.* An excellent account of the Victorian system and outlook.

BROWNING.—*The Citizen.* Interesting, and still well worth reading, although written many years ago.

MARRIOTT.—*English Political Institutions.* Contains sketches of historical development, and good bibliography.

PRESIDENT WILSON'S Treatise: *The State* (revised edition), gives a very clear summary of the systems of government in all the chief countries of the world, and has full bibliographical notes.

*Whitaker's Almanack* and *The Statesman's Year Book* are indispensable sources of information on points of detail.

# INDEX

- Accounts, Committee of Public, 200
- Acts of Parliament—
  - Ballot (1872), 122
  - Combination (Repeal, 1824), 136
  - Education (1918), 105, 164-70
  - Factory, 61, 233
  - First Offenders, 170
  - Housing (1919), 52
  - Insurance (1911), 233, 287
  - Local Government (1888), 35, 55, 70
  - Local Government (1894), 9, 17, 19, 26, 70
  - Medical Inspection (1907), 169
  - Municipal Corporations (1835 and 1840), 6, 7, 56
  - Parliament (1911), 98-100, 106, 197
  - Poor Law Amendment (1834), 27-30
  - Provision of Meals (1906), 169
  - Public Health (1848), 30
  - Reform (1832), 110, 118, 123, 128, 264
  - Reform (1867), 123
  - „ (1884), 123
  - Representation of the People (1918), 110, 123, 124
  - Riot (1714), 140
  - Settlement (1701), 155
  - Shop Hours, 233
  - Supreme Court of Judicature (1873), 154. *See also* Statutes
- Address, Election, 90
- Adjournment of Parliament, 87
- Administrative Law, 155, 156
- Agriculture, Board of, 63, 64
- Aldermen of county, 34; of borough, 46
- Amateurs, government by, 138
- Analyst, County, 43, 44
- Appeal, Court of, 153, 154
- Appropriation Act, 196
- Assizes, 145, 147
- Association, types of, 282; value of, 283, 284; in trade, 284; growing bond of society, 297
- Audit of local accounts, 57, 71, 212; of parliamentary accounts, 199 sqq.
- Bail, 140
- Bailiffs, 145
- Balance of central and local powers, 68
- Balfour, Mr. A. J., quoted, 92
- Bank of England, 129, 203
- Bench of magistrates, 138
- Benevolence and justice, 244
- Bentham, Jeremy, 241, 248, 258
- Bergson, H., on steam engine, 277
- Bills, parliamentary: meaning, 83; government and private members, *ibid.*; private, 71, 83, 86; drafting, 84; introduction and first reading, *ibid.*; second reading, committee, and third reading, 85; must be carried within a session, 87; party measures, 90; in House of Lords, 97, 100; royal assent, 109-11. *See also* Money Bills
- Bills of Exchange, 281
- Bishops in House of Lords, 101
- Bolshevism, 129, 131, 270
- Bonds, Government, 203
- Borough, local government in, 4; charter, 46; county boroughs, 55; Scottish, 55; Irish, 56; finance, 212
- Borough Council, 4; constitution, 46; duties, 47-54; municipal trading, 50-4
- Boundaries of local areas, 17, 18
- Bridges, maintained by county councils, 41, 42
- Bright, John, speech cited, 244
- British and Foreign School Society, 160



Bureaucracy, results from centralized government, 67; checked by responsible government, 77, 95  
 By-election, 88, 223

Cabinet, 89 sqq.  
 Capital Levy, 185  
 Chairman of Committees, in House of Commons, 85  
 Chancellor of the Exchequer, 195, 197  
 Chancery Division, 153  
 Children, Welfare of, 169  
 Chiltern Hundreds, 87  
 China, arrest of progress, 250, 272  
 Christianity, its social stimulus, 272  
 Civil Law, 142  
 Civil Service, officials of, 59, 60; departments, 58, 65; size, 65; growth of, 66, 78; cost, 193  
 Clerk of Arraigns, 149  
 Clerk of Justices, 138, 139  
 Clerks of House of Commons, 81, 85  
 Climate, effect on society, 271  
 Coalition Government, 96, 224, 225  
 Cobden, Richard, 258  
 Codes of law, 133, 137  
 Collectors of taxes, 198  
 Commerce, 284  
 Committees, of district councils, 23; of county councils, 44; of borough councils, 54; of Parliament and control of departments, 78; public expenditure, 78, 208; committee stage of Bills, 85; for private Bills, 86  
 Common Law, its origin, 133; its growth, 134, 135; its value, 135-137  
 Commons, House of: membership, 80; salary of members, *ibid.*; description of House, 81; normal day's work, 82, 83; procedure in passing bills, 83, 86  
 Comptroller and Auditor - General, 199, 200  
 Compulsion, essential feature of State, 293; diminishing, 295; old bond of society, 297  
 Consols, 204  
 Constable, Chief, 40  
 Constituencies, 80, 118  
 Constitution, qualities of, 214, 219; advantages of flexibility, 216  
 Consuls, 62  
 Continuation schools, 165, 231

Coroner, 45, 145  
 Counsel, in law courts, 149, 152; Parliamentary, 84  
 County, administrative, 34  
 County Borough, 55  
 County Council, foundation, 35; reasons for, 34, 36; duties, 36, 44; officials, 44, 45  
 County Court, 143, 146 n.  
 County of town, 55  
 Courts of Law, complete the work of government, 132; description of, 137-47; for children, 169, 170  
 Credit, support by government, 227, 228  
 Crime, meaning of, 142; Greek idea of, 237; prevention, 238  
 Criminal Law, 142  
 Crown. *See* King  
 Custom, shown in passing of Acts, 111; and Common Law, 133-5; in the Constitution, 215  
 Custom House, 198  
 Customs duties, 177, 180; incidence, 192

Debts, national (*see* National Debt); local, 207  
 Democracy, in local government, 6, 8; and responsible government, 76, 77; in monarchies and republics, 115; election as guarantee of, 117; local and national, 128; effect on taxation, 190; and revolution, 263, 271; and trade, 272  
 Departments of State, their offices, 58; routine work, 59; officials, 59, 60; relations with local bodies, 69, 72; parliamentary control, 73, 78; estimates of expenditure, 195  
 Destitution, relief and prevention of, 229  
 Dissolution of parliament, 87  
 District, its origin, 17; boundaries, 17, 18; number of districts, 18  
 District Council: scope of its work, 16, 18 sqq.; urban and rural, 26; relation to guardians, 27, 28  
 Drafting of Bills, by parliamentary counsel, 84  
 Drainage, by district councils, 21; in towns, 48  
 Dutch, finance copied from, 181

East India Company, 203  
 Education, 23, 43, 278, 279, 297,  
 and Chap. XIII. *See also* Schools  
 Edward VII on prison reform, 242  
 Election, management of, 43;  
 addresses, 90; and party system,  
*ibid.*; of second chambers, 100;  
 reasons for, 117; parliamentary,  
 118, 123; electors, 123 124;  
 local, 124, 125  
 Elizabeth, Queen, her social policy,  
 252, 277  
 Employment Exchanges, 230  
 Enterprise, supported by law, 39,  
 227; need for freedom, 251, 254  
 Equity, 154  
 Estate Duty, 181, 187 n.  
 Estimates, parliamentary, 195; Com-  
 mittee, 201; Examiner of, 202 n.  
 Examination, for Civil Service, 116  
 Examiners, in government offices,  
 59  
 Excise duties, 177, 180, 181, 198  
 Executive, responsible and irrespon-  
 sible, 77  
 Expenditure, taxation of, 186; parla-  
 mentary control of, 194; Com-  
 mittee on National, 202 n., 208;  
 local, 209. *See also* Estimates,  
 Vote of Supply, Taxation  
 Export duties, 180  
 Family as first social unit, 282  
 Figgis, J. N., on Church and State,  
 293  
 Financial year, 194  
 Fisher, H. A. L., 105  
 Fisheries, supervised by Board of  
 Agriculture, 63, 64  
 Food, inspection of, 20  
 Footpaths, kept by parish council,  
 12  
 Foreign Office, 66 n.  
 Foreign Secretary, 113  
 Forests, owned by towns, 52; owned  
 by governments, 65  
 France, Parliament of lawyers, 103;  
 Code Napoléon, 137; land tax,  
 185; local taxes, 209; guilds,  
 285 n.  
 Fraternities, 286  
 French Revolution and sovereignty,  
 260, 261; causes of Terror, 267;  
 results, 269  
 Functional representation, 131

Gangway of House of Commons, 88  
 George, Henry, 186  
 Germany, codes of law, 137; control of  
 opinion, 218, 251; P.R. in, 224;  
 revolution in, 262, 263; effect of  
 railways, 275; State support for  
 trade, 278; theory of State, 291  
 Gierke, on State and Society, 294  
 Guild, merchant or craft, 272, 284, 286  
 Girondists, 267  
 Gladstone, W. E., 94, 95, 176  
 Government, Central: Departments,  
 58, 66; limits of its power, 67,  
 69; relations with local bodies,  
 70, 72; party of, in Parliament,  
 88  
 Government, Local: importance, 4;  
 element of service, 5; newness  
 of system, 5, 6; democratic, 6,  
 7; Act of 1894, 9, 17; Act of  
 1888, 35; chiefly concerned with  
 administration, 79  
 Grants in aid, 71; educational, 163  
 Green, Thomas Hill, his idea of  
 liberty, 246  
 Gregarious instinct, 283  
 Groups in Parliament, 224  
 Guardians. *See* Union  
 Harrington, James, 183  
 Health, Ministry of, 60  
 Health, Public, work of district coun-  
 cil, 19 sqq.; Act of 1848, 30;  
 work of county council, 41, 43;  
 in towns, 47, 48; insurance,  
 233; preventive medicine, 234  
 Hegel, 297  
 High Court of Justice, 145, 153  
 Home Office, 61  
 Home Secretary, 64; may become  
 Minister of Justice, 62  
 House duty, 181  
 Housing, 21, 23; in towns, 49, 50  
 Incidence of taxation, 191  
 Income-tax, 175, 177, 187; local, 210  
 India, effect of Hinduism on, 272  
 Individualism, 248, 280  
 Infection, measures for preventing, 20  
 Inheritance, cause of inequality of  
 wealth, 182  
 Inland Revenue, 198  
 Inspectors, health, 24; schools, 57;  
 public aid, 57; of Home Office,  
 61; their value, 70

- Insurance, State, 233  
 Intemperance and destitution, 231  
 Interests, and party divisions, 94 ;  
   representation of, 131  
 Ireland, absence of parish councils,  
   14 ; Poor Law, 29 ; boroughs,  
   56 ; Irish peers, 101 ; local  
   elections, 125 ; collection of taxes,  
   198 ; P.R. in, 224 ; gilds in,  
   285 n.
- Jacobins, 267  
 Joint Committee, for police, 41  
 Judges, interpreting law, 84 ; and  
   common law, 134, 136 ; county  
   court, 144 ; circuits and assizes,  
   146 ; duties in courts, 150-153 ;  
   independence of, 154, 155  
 Jury, trial by: origin, 147 ; list of  
   jurors, 147 ; advantages, 148 ;  
   method, 149-52 ; independence  
   of jurors, 157  
 Justice, aim of government, 234 ;  
   ideal and practical, 235, 236 ;  
   and benevolence, 244  
 Justices of the Peace, former work  
   in county, 35 ; in petty sessions,  
   137 ; administrative work, 139,  
   140, 142
- King, assent to Bills, 109, 110 ; veto,  
   111, 112 ; sovereign power, 111 ;  
   present influence, 112-4 ; non-  
   political work, 114 ; comparison  
   with President, 114, 115  
 King's Bench, 153  
 Kropotkin, on prisons, 240 ; on  
   revolutions, 265
- Labour, Ministry of, 62, 230  
*Laissez faire*, 277  
 Land tax, 184, 186  
 Law Lords, or Lords of Appeal, 101  
 Lawyers, in House of Lords, 101 ;  
   'Parlement' of, in France, 103 ;  
   and common law, 134, 136 ;  
   functions in court, 149, 152.  
   *See also* Counsel  
 Legislature, reason of the term, 80  
 Liberty, object of government, 245 ;  
   necessary restraints, 246, 249 ;  
   limits of restraint, 250, 254  
 Licences, by district councils, 17 ; by  
   county councils, 42 ; by justices,  
   141 ; means of revenue, 186
- Livery companies, 286  
 Loans, local, 14, 71  
 Locke, John, on royal prerogative,  
   112 ; on liberty, 246  
 Lord Chancellor, 102, 138, 153  
 Lord Chief Justice, 153  
 Lord-Lieutenant, of county, 45, 138  
 Lord President of the Council, 88  
 Lords, House of: business of, 97 ;  
   limits of power, 98-100 ; as a  
   court of law, 100 ; membership,  
   100-2 ; its value, 104-5 ; reform,  
   105 ; court of appeal, 153  
 Low, Sir Sydney, quoted, 125
- Magistrates. *See* Justices of the  
   Peace  
 Mandate to members of Parliament,  
   92, 127  
 Marcus Aurelius, 289  
 Mayor of borough, 46, 47 ; as return-  
   ing officer, 120  
 Members of Parliament: qualifica-  
   tions, 80 ; in charge of Bills, 83 ;  
   method of retirement, 87 ; party  
   discipline, 92, 93  
 Mercantile policy, 250, 251  
 Merchant, law, 39  
 Minimum standards of living, 229  
   sqq. ; of conduct, 235  
 Ministers, of central government, 59,  
   60 ; responsible to Parliament,  
   74, 78 ; appointed by King, 75 ;  
   position in Commons, 88 ; sup-  
   plied for House of Lords, 105 ;  
   in Privy Council, 106, 107 ; advice  
   to and from King, 113. *See*  
   *also* Prime Minister
- Minority rule, 130  
 Mint, 65  
 Money, undermines feudalism, 272  
 Money Bills, 85, 99, 100  
 Monopoly and excise, 180  
 Montesquieu, 262 n.  
 Municipal trading, 50, 54
- National Debt, growth, 202, 203 ;  
   funded and unfunded, 204 ; re-  
   demption, 204, 207  
 National Society, 160  
 Nature, law of, 260  
 Newspapers, and party system, 93 ;  
   help to democracy, 128  
 Nomination, to offices, 116 ; of candi-  
   dates for election, 118

- Obstruction in Parliament, 82
- Officials, in parish, 12; in district, 23, 25; their value, 24; in county, 44, 45; in borough, 54, 55; of central government, 59, 60
- Opinion, Public, influence on government, 6, 128, 258; control of, 93, 218, 259; expressed by referendum, 219; by P.R., 221; limits of its power, 226; connexion with sovereignty, 260; and revolution, 264
- Opposition in Parliament, 88
- Organization, essential for revolution, 266; changed by revolution, 269, 270; essential for progress, 281, 283; resistance to, 288
- Overseers, Parish, their duties, 12, 14; assistant overseer, 12; collectors of rates, 211, 212
- Parish, meaning, 8; size of, 10; in towns, 14
- Parish Council, advantages of, 9, 10, 14; membership, 10-2; duties, 12, 13; control of officials, 13; not found in Ireland, 14
- Parish Meeting, 10; membership, 11
- Parliament and local councils, 67, 69; control of departments, 73, 78; importance of legislative work, 79; sitting and session, 82; adjournment, etc., 87; power of making laws, 111; relation to common law, 136, 137; control of trading departments, 173, 254; control of expenditure, 194, 196; control of income, 196; reasons for increased activity, 252, 253; aristocracy in eighteenth century, 263. *See also* House of Commons, House of Lords
- Party government and Cabinet rule, 89; organization in the country, 89, 91; effect on Parliament, 90; delays due to, 92; discipline in Parliament, 92; newspapers, 93; reflects public opinion, 93, 94; reasons for, 94; merits, 95, 96; elections, 125, 128; means of weakening, 224
- Paterson, William, founds Bank of England, 203
- Paymaster-General, 199
- Peel, Sir Robert, revises income-tax, 176
- Peers, 100, 102; value of their independence, 105
- Penn and Mead, trial of, 157
- Pensions, old age, 234
- Perambulation of boundaries, 18
- Petty Sessions, 137
- Philip II of Spain, 289
- Pitt, William, levies income-tax, 175; founds Consolidated Fund, 199
- Place, Francis, 258
- Plots, garden, under parish councils, 13
- Plutocracy, 115
- Police, under county authorities, 36; earlier system, 37, 38; present efficiency, 38; modern system, 40; under borough council, 47; supervised by Home Office, 61
- Political associations of 1832, 288
- Poor rate, 211
- Post Office, 64, 173
- Preventive men, 198
- Prime Minister, 88, 90, 107, 112
- Printing, effect on democracy, 276
- Prison system, reform of, 240, 242
- Privy Council, 98, 106, 109; connexion with Cabinet, 108; membership, 109; Judicial Committee, 154
- Probate Division, 153
- Progressive taxes. *See* Taxation
- Property, taxes on, 184; protection of, 227; undue stress on, 239
- Proportional representation, 221, 224
- Prorogation of Parliament, 87
- Provisional Order, 71
- Public aid: workhouse, 4; alms houses, 13; present system, 28; principle of, 29; Commission of 1909, 30, 32; Committee of 1918, 32, 33
- Punishments, earlier methods, 38; reform of, 158, 238, 242
- Quarter Sessions, 141
- Questions in Parliament, 74, 82, 83, 90, 97
- Railways, control by government, 63; owned by some governments, 64; and national unity, 275
- Ratepayers, meaning, 11

- Rates, meaning, 11; collection, 14, 211; levied by county councils, 43; present system, 208, 213
- Recorder, 141
- Redistribution, 118
- Referendum, 219, 221
- Reform, method of, 257, 258; and revolution, 266, 268; and statesmanship, 270
- Registration of births, etc., 44, 65, 145
- Religion and social change, 272, 288
- Renaissance, 272, 273
- Republic and monarchy, 114, 115
- Resident magistrates, 141
- Responsible and irresponsible government, 77, 117
- Returning officers, 120
- Revenue of government, 171; sources, 172, 174
- Revolution, causes, 262, 266; and reform, 266, 268; effects, 269; social, 270
- Rights, claimed by citizens, 242; right to work, 228; natural and conventional, 243, 244; women's, 244
- Rivers, care of, by county councils, 42
- Roads, in charge of district council, 18; main roads under county council, 34, 41; in borough, 47
- Roman Empire, arrest of progress, 250
- Rousseau, 244
- Russia, revolution in, 129, 262, 264, 266, 267, 270; hostility to State, 292
- St. Stephen's Hall, 80
- Schools, under district councils, 23; under county, 43; early institutions, 159; voluntary, 164; continuation, 165; secondary, 166; as social units, 282
- Scrutineers, 120
- Seal, Great, of the Realm, 83, 110
- Second Chambers, 100, 103, 105
- Security, basis of civilization, 39; provision for, by county council, 42; first aim of government, 226 sqq.
- Service, public, characteristic of modern government, 5, 295; means of progress, 297. *See also* Civil Service, Justice, Security
- Session of Parliament, 82; Bills lapse at end, 87; prorogation at end, *ibid.*
- Shaftesbury, Lord, 258
- Sheriff and Under-Sheriff, 45, 118, 119, 145, 147
- Shop Steward movement, 287
- Single tax, 186, 187
- Sinking funds, 204, 206
- Sitting, of Parliament, 82
- Smith, Adam, 188
- Smith, Sidney, on taxation, 178
- Socialism, State, 247, 290; gild, 290
- Society and State, 291
- Socinians, 288
- Somerset House, 65, 198
- South Sea Company, 203
- Sovereignty, 111, 260, 261
- Soviet rule, 129, 130
- Spain, trade with America, 277
- Speaker of House of Commons, 81, 82
- Spinoza, 283
- Stamp duty, 183
- Standardization of life, 253
- State and other associations, 290 sqq.; meaning of, 291; characteristics, 293, 294; change in quality, 295
- Statesmanship and revolution, 270; and original thought, 279; and progress, 297
- Stationery Office, 65
- Statutes, completion of Bills, 110; numbering of, 110; origin, 111, 135
- Steam-engine, effect on government, 274-7
- Stipendiary magistrate, 141
- Suez Canal, government shares in, 173
- Summons, 140
- Super-tax, 177
- Supply, Committee of, 196; vote of, 75, 196
- Surveyors, of roads, 24, 44; of taxes, 198
- Syndicalism, 129, 290
- Tamworth Manifesto, 90
- Taxation, voluntary, 172; main source of revenue, 174; kinds of taxes, 175, 186; progressive, 183, 187, 190; universal, 190;

- direct and indirect, 191; policy of, 192; method of collection, 198; local, *see* Rates
- Toleration, religious, 264
- Tolstoi, Count, 288
- Town Clerk, 54
- Towns, influence on democracy, 129; and national life, 273; association in, 284. *See also* Borough
- Trade, Board of, 62, 63
- Trade, importance of security, 39; municipal, 50 sqq.; national, 173, 247; influence on government, 272, 273; international, 273, 275; association in, 284, 287
- Trade unions, and common law, 136; and Parliament, 252; and steam power, 276; their evolution, 286
- Treasury, 195, 200, 234
- Treasury Bench, 88
- Trinity Brotherhood, 65
- Trusts, 288 n.
- Turnpike trusts, 19
- Unearned income, 176, 186
- Unemployment, 230, 233
- Union (Poor Law), 27, 33; origin, 27; separate system in towns, 27; relation to rural councils, 28; proposals for reform, 30, 33. *See also* Guardians, Public Aid
- United States, general property tax, 185; constitution of, 217; financial crisis, 227; prison reform, 242; railways and national life, 275
- Universities, 168; members in Parliament, 124
- Vico, Giambattista, 262 n.
- Voting, method of, in elections, 120, 122; importance, 125, 126
- Wages Boards, 232
- Warrant for arrest, 139
- Watch Committees, 54
- Water supply, 12, 21, 48
- Ways and Means, Committee of, 196
- Whips, party officials, 88, 91, 92
- "Will, General," 261
- Writ for election, 118
- Yogi, 272
- Yucatan, civilization in, 227